



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKSON
Director, Office of Planning

STAFF REPORT

March 12, 2014

Agenda Item: Application for a Review and Comment (RC-14-032) on Z-14-003 to rezone a portion of the property from SPI-16(SA 1) / LBS to SPI-16 (SA1) at **771 Spring Street (Crum and Forster Building)** – Property is zoned SPI-16 (Special Public Interest District 16) / LBS (Landmark Building / Site).

Applicant: Georgia Tech Foundation Real Estate Holding Corp.
760 Spring Street, Ste. 400

Facts: In August 2009, the entire property that contains the Crum and Forster Building at 771 Spring Street was rezoned to the overlay zoning category of Landmark Building or Site (LBS), per the criteria and procedures outlined in the City's Historic Preservation Ordinance, which is Chapter 20 of the City of Atlanta Zoning Ordinance. The LBS designation was overlaid upon the underlying and retained zoning category of SPI-16, Subarea 1 (Special Public Interest District – 16, Subarea 1) which applies to the majority of the rest of the Midtown area as well. In addition to the building itself (which is located on the northern portion of the property) the remainder of the property is a surface parking lot.

Last year, the rear two-thirds of the building was demolished as a result of the settlement of a lawsuit filed by the property owner and a related court order. The rear façade of the remaining portion of the building was enclosed with a temporary, weather tight, "false wall". Further, the parking lot area and the streetscape around the property have been re-built using SPI-16 design standards.

The zoning application (Z-14-032) that is before the Commission at this time for review and comment would essentially rezone the portion of the property which does not contain what remains of the Crum & Forster building from SPI-16, Subarea 1/LBS (Special Public Interest District – 16, Subarea 1/Landmark Building or Site) to SPI-16, Subarea 1 (Special Public Interest District – 16, Subarea 1). As currently proposed, the removal of the LBS designation would affect the surface parking lot portion of the property south of what remains of the building and the portion of the property to the east of what remains of the building. As currently proposed, what remains of the Crum and Forster Building itself and the property between the building and

Spring Street and Armsted Street would retain the LBS designation. On the south and east sides of what remains of the building, the LBS designation would end at the face of the building. The entire property would still be subject to all the requirements of the Special Public Interest District – 16, Subarea 1 zoning category.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:
 - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

When the entire property was designated as a Landmark Building / Site in 2009, the designation report describes in detail how the Crum and Forster Building was historically, architecturally, and culturally significant and met eleven (11) of the criteria for being designated a LBS. While the designation report describes the history of the property itself (previous uses, property owner changes, location of Spring Street, evolution of the area, etc.), it does not describe any features or characteristics (significant or otherwise) related to the remainder of the property to the south which was and still is a surface parking lot. The designation report also does not indicate when the buildings that likely existed on the remainder of the property to the south were demolished or when the surface parking lot was built.

The Staff would note that designating the entire property upon which a LBS is located is the standard practice for individual designations by the Commission. This practice provides both procedural and substantive benefits to the designation. First, it allows for the designation to align with already established and recognized property boundaries making the description of the designation equally recognizable. Second, and more importantly, designation of the entire property helps to protect the LBS located on the property from immediately adjacent, potentially incompatible development on the same property. While development could (and often does) still occur on a designated property, all development requests would need to meet the design criteria that apply to individually designated buildings / sites in City's Historic Preservation Ordinance, which is Chapter 20 of the City of Atlanta Zoning Ordinance.

Since 2009, the Staff finds that the historic, architectural, or cultural significance of Crum and Forster Building and its relationship to Spring Street and Armsted Street has been diminished by the removal of the rear two-thirds of the building. However, what remains of the building is otherwise intact, in good condition, and has been well maintained by the property owner. What remains of the building maintains all of the architectural characteristics and features identified in 2009 for that portion of the building. The area between the building and the street has also not substantially changed, with the retention of the open space along Spring Street and the landscaped area along Armsted Street.

Likewise, the changes to the remainder of the property to the south that contains the surface parking lot area has not introduced design elements that would alter the findings of significance from 2009. Nor has any new information or documentation been brought forward since 2009

that would indicate that the surface parking lot has obtained in its own right any historic, architectural, or cultural significance.

As a result, the Staff finds that what remains of the Crum and Forster Building and the immediately surrounding portions of the property still contain historic, architectural, or cultural characteristics identified in the eleven (11) criteria that supported the designation of the entire property in 2009. Further, the Staff finds that the de-designation of the portion of the property that does not contain what remains of the Crum and Forster Building and its immediate surroundings would not, on its own, substantially diminish or reduce the historic, architectural, or cultural significance of the building / site for which the property was designated in 2009 beyond what has already occurred due to the demolition. The de-designation would reduce the purview of the Commission to review nearby development for compatibility with the Crum and Forster Building, as noted above.

Further, what remains of the Crum and Forster Building still contains physical characteristics that contribute to its architectural significance documented by the seven (7) architectural criteria the whole building met in 2009. As such, the Staff finds that at a minimum the protection of the immediately surrounding portions of the property (which in turn would be protect all four elevations from unsympathetic alterations and additions) is necessary to maintain and retain the architectural characteristics for which the entire building was designated in 2009 and the view of those characteristics from the public street. Given its relationship and position relative to Spring Street and Armsted Street, the Staff finds that the immediately surrounding property adjacent to the south and east should be retained within the LBS designated portion of the property. The Staff further finds that the depth of the property to the south and east of what remains of the building that should be retained within the LBS designation should be at least equal to the setback of the building from Armsted Place, which appears to be about 10 ft. The distance to the south and east of the building that should be retained within the LBS designation should be measured from the most southern and eastern portions of what remains of the building, including its roof eaves.

The Staff would add that the retention of the immediately surrounding property to the south and east (in addition to the property between the building and the streets) would require that any new construction, connections to the building, or site work to the south and east within the designated portions of the property obtain the pertinent Certificate of Appropriateness from the Urban Design Commission for the type of work being proposed. The remainder of the property would be subject to the pertinent SPI-16 zoning district regulations and would not require any Urban Design Commission involvement of any type.

Staff recommendation: A letter with comments be sent to the appropriate Staff of the Office of Planning regarding application for a Review and Comment (RC-14-032) on Z-14-003 to rezone a portion of the property from SPI-16(SA 1) / LBS to SPI-16 (SA1) at **771 Spring Street (Crum and Forster Building)** – Property is zoned SPI-16 (Special Public Interest District 16) / LBS (Landmark Building / Site).



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 12, 2014

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-14-035) for demolition of a house and accessory structure due to a threat to health and safety at 817 Lullwater Road – Property is zoned Druid Hills Landmark District.

Applicant: Kris Knecht
1700 Commerce Drive, NW

Facts: According to the District inventory sheet, this single family dwelling was built in 1947 and is considered contributing to the District. The lot is unusually shaped in that only a small, thin portion connects to Lullwater Road via long driveway and bridge. The main portion of the lot, which is generally triangular in shape, is situated behind another lot that faces Lullwater Road. The house is a side gable cottage or bungalow, with additions to the front and back, as well as other alterations.

Analysis: The following code sections apply to this application:

Per Section 16-20.007. Certificates of appropriateness; generally.

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories.

(3) Landmark Districts:

- To change the exterior appearance of any structure within any Landmark District;
- To erect any new structure or to make an addition to any structure within a Landmark District;
- To demolish or move any structure, in whole or in part, within a Landmark District; or

Per Section 16-20.008

(d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta. Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

- Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:
 - The demolition is required to alleviate a threat to public health and safety;
- Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:

- a. Threats to public health and safety: To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:

[See items #1-12 as outlined below and excerpted from Section 16-20.008(d)(2).]

Staff Response to the Submitted Materials:

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists.

The Applicant submitted a January, 2014 report from Se Stability Engineering that provided an assessment of the existing property. Regarding the house, the report notes concerns about the siding, soffits, water intrusion in the interior, ceilings, kitchen lean-to addition, moisture in the slab of the kitchen lean-to addition, roof of the kitchen lean-to addition, floor levels, and door opening and ceiling heights. Regarding the garage, the reports notes concerns about the portal shear walls, collapse of the concrete slab, water damaged studs, siding, rear entrance canopy, a shifted foundation, and a too small foundation.

In reading the report and looking at the photographs, it does not appear that the existing house is in severe disrepair. While there are clearly problems related to lack of maintenance and neglect, the report does not describe significant deterioration or damage which would appear to cause an imminent threat to public health and safety. For example, given that the kitchen is a likely later addition and appears to have the most problems, this could be removed to reduce its negative effects on the rest of the house. Most of the other items appear to be related to water infiltration into the interior of the house, but even that does not appear to be severe.

Staff finds that a major and imminent threat exists when the building is in danger of collapse. While the report indicates that there are physical problems with the house, it is not clear to Staff that the existing house is in danger of collapse and therefore an imminent threat.

Staff recommends the Applicant provide additional analysis that indicates a major and imminent threat to public health and safety exists.

2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives.

The Applicant did not provide any significant description of potential alternatives to demolition. The response indicates that a renovation “would not be possible without the loss of historic elements and const intensive alterations”. It is not clear the extent of the loss of historic elements, which elements would be lost and the “intensity” of the cost. It further notes that “to renovate the property has been deemed uneconomical and would not remove the threat to public health and safety.” Notwithstanding that no cost figures were included in the response the Staff would find that if a standard renovation was undertaken, the threat to public health and safety would be eliminated as that would presumably be the intent of the renovation. It is not clear to the Staff how a renovated building would still be a threat to the public health and safety. The Staff recommends the Applicant present all reasonable alternatives to rectifying the threat and an explanation as to why they should not be undertaken.

3. Demonstrate that the costs associated with rectifying the threat would create a condition whereby the investments in the project are incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to the Commission evidence establishing, each of the following factors:

- a) **The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.**

The property owners were aware of the historic designation at the time of the purchase contract.

- b) **The current level of economic return on the property as considered in relation to the following:**

- (1) **The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.**

The property was placed under contract for \$340,000. The relationship between the buyer and seller would be considered a standard, "arms length" real estate transaction.

- (2) **The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.**

No information was provided about depreciation, cash flow or debt service. No information was provided about maintenance for the house. The Staff would recommend the Applicant provide information about depreciation, cash flow, debt service, and maintenance for the house.

- (3) **Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years.**

No information was provided about the annual debt service on the mortgage. The Staff would recommend the Applicant provide information on the annual debt service for the last three (3) years.

- (4) **Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations.**

Tax and assessment values were provided.

- (5) **All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.**

According to the Applicant, no appraisals were done.

- (6) **The fair market value of the property immediately prior to its designation and the fair market value of the property (in its protected status as a designated building or site) at the time the application is filed.**

According to the Applicant, the property value last year was \$340,000, per the agreed upon sales price. No information was provided about the fair market value at the time of designation, which should be able to be derived from the Dekalb County Tax Assessor's records. The property was designated in January, 2001. The Staff would recommend the Applicant provide information about the fair market value of the property prior to its designation.

- (7) **Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.**

According to the Applicant the property is owned by an individual.

(8) Any state or federal tax returns on or relating to the property for the past two (2) years.

According to the Applicant, the owner is not required to file state or federal income tax returns related to the property.

c. That the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years. Including testimony and relevant documents regarding:

(1) Any real estate broker or firm engaged to sell or lease the property.

According to the Applicant, a real estate broker has been engaged with the property since 2012.

(2) Reasonableness of the price or rent sought by the applicant.

According to the Applicant, the reasonableness of the price sought by the current owner is supported by the fact that the Applicant is willing to pay the agreed upon price.

(3) Any advertisement placed for the sale or rent of the property.

According to the Applicant, no advertising was done about the sale of the property.

(d) The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

1. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

The Applicant submitted a January, 2014 report from Se Stability Engineering that provided an assessment of the existing property. Regarding the house, the report notes concerns about the siding, soffits, water intrusion in the interior, ceilings, kitchen lean-to addition, moisture in the slab of the kitchen lean-to addition, roof of the kitchen lean-to addition, floor levels, and door opening and ceiling heights. Regarding the garage, the report notes concerns about the portal shear walls, collapse of the concrete slab, water damaged studs, siding, rear entrance canopy, a shifted foundation, and a too small foundation.

While there are clearly problems related to lack of maintenance and neglect, the report does not sufficiently describe a lack of structural soundness or the unsuitability of the buildings for renovation. For example, given that the kitchen is a likely later addition and appears to have the most problems, this could be removed to reduce its negative effects on the rest of the house. Most of the other items appear to be related to water infiltration into the interior of the house, but even that does not appear to be severe.

The Staff would recommend that the Applicant provide additional information and analysis as to structural soundness of the structures on the property and their suitability for rehabilitation.

2. Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alterations.

The Applicant has provided estimates for full demolition and new construction (\$477,995), renovation / partial demolition with the existing foundation (\$630,000), and renovation with the existing foundation (\$655,000). It is not clear what the significant difference is between

the later two options, as well as the method for arriving at the cost estimates (per square foot basis, itemized cost lists, etc.). The Staff would recommend the Applicant provide additional description about and supporting information for each alternative.

3. Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

According to the Applicant, the current market value is \$340,000, after renovation it would be \$700,000, and after demolition and new construction it would be \$1,200,000. These conclusions are based on comparative analysis of other homes in the area, per the included real state data sheets.

4. In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

In combining the rehabilitation costs with the land price (which would be the same for all three scenarios), the renovation options would result in a loss for the development team. The demolition / new construction option would result in a profit for the development team. The narrative in response to this question is provided by the Applicant.

5. The infeasibility of new construction around, above, or below the existing protected building or site, and the infeasibility of a transfer of development rights, including an assessment of the monetary value that could be derived from such a transfer, pursuant to section 16-28.023 of the Code of Ordinances.

According to the Applicant, construction around, above, or below the site is “not considered infeasible” but they do mention the constraints of the 25’ buffer. Further the Applicant finds there is no market for a transfer of development rights.

e. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

According to the Applicant, the economic incentives do not “align” with their approach to the project. The Staff recommends the Applicant provide information about the economic incentives to support their conclusion that for an alternative project (such as renovation and/or partial demolition) they would not be sufficient to make the project economically feasible.

f. Also, please provide photographs of the existing conditions of the building, both exterior and interior.

The Staff would recommend that the Applicant provide more, labeled photographs of the interior of the house and areas of concern on the exterior of the house, with particular attention to the items mentioned in the engineering analysis.

Overall Comments

Based on the reports, narrative and photographs provided by the Applicant, the Staff finds that the existing building is in a state of general disrepair. While Staff finds that the building in its current condition is potentially unsafe and a nuisance, the Staff does not find the Applicant has proven the property is an imminent and major threat to public health and safety. As previously mentioned, a major and imminent threat to public threat exists when the building is in danger of collapsing. Based on the information submitted, Staff finds a major and imminent threat has not been proven. Given the information we have at this time, Staff cannot support the application for demolition.

Comment on Application Materials by the Office of Buildings

One of the requirements of the Type IV Certificate of Appropriateness process is for the Office of Buildings to comment on the application materials via a written report. Staff has submitted a request to the Office of Buildings to inspect the property and produce a report regarding this property. When the inspection and report are complete, Staff will include the report in the file for future reference.

Staff Recommendation: Based upon the following:

- a) The Applicant has not proven a threat to public health and safety, per Section 16-20.008;

Staff recommends deferral of the application for a Type IV Certificate of Appropriateness (CA4H-14-035) for demolition of a house and accessory structure due to a threat to health and safety at 817 Lullwater Road – Property is zoned Druid Hills Landmark District, to allow time for the Applicant to address the following concerns / comments:

1. The Applicant shall provide additional analysis that indicates a major and imminent threat to public health and safety exists, per Section 16-20.008;
2. The Applicant shall present all reasonable alternatives to rectifying the threat and an explanation as to why they should not be undertaken, per Section 16-20.008;
3. The Applicant shall provide information about depreciation, cash flow, debt service, and maintenance for the house, per Section 16-20.008;
4. The Applicant shall provide information on the annual debt service for the last three (3) years, per Section 16-20.008;
5. The Applicant shall provide information about the fair market value of the property prior to its designation, per Section 16-20.008;
6. The Applicant shall provide additional information and analysis as to structural soundness of the structures on the property and their suitability for rehabilitation, per Section 16-20.008;
7. The Applicant shall provide additional description about and supporting information for each alternative, per Section 16-20.008;
8. The Applicant shall provide information about the economic incentives to support their conclusion that for an alternative project (such as renovation and/or partial demolition) they would not be sufficient to make the project economically feasible, per Section 16-20.008;
9. The Applicant shall provide more, labeled photographs of the interior of the house and areas of concern on the exterior of the house, with particular attention to the items mentioned in the engineering analysis, per Section 16-20.008; and
10. The Applicant shall provide to the Staff all additional documents, information and materials (including the required number of copies) no less than eight (8) days prior to the Commission to which this application is deferred.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
March 12, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-050) for a variance to reduce the rear yard setback from 50 feet (required) to 7 feet (proposed), and (CA3-14-045) for the construction of a new single family house at **817 Lullwater Rd.** Property is zoned Druid Hills Landmark District.

Applicant: Kris Knecht
1700 Commerce Dr. NW

Facts: The existing house and accessory structure is proposed for demolition due to a threat to public health and safety under pending application CA4PH-14-035. The lot is unusually shaped in that only a small, thin portion connects to Lullwater Road via long driveway and bridge. The main portion of the lot, which is generally triangular in shape, is situated behind another lot that faces Lullwater Road. Another usual factor of the lot is that there are two streams on / near the property, including one along the front side of the lot (which is the back of the other lot fronting Lullwater Road) and one along the northeast property line. With both of these streams come 75 ft. stream buffers, per the City's Department of Watershed Management. It is the Staff's understanding that the Applicant has applied for stream buffer reductions with the Department of Watershed Management.

The Applicant proposes to build a new, two-story house with an attached garage on the far back portion of the property. The existing driveway and bridge over the creek would be maintained as the access point to the property.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark Districts:

- c. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Per Section 16-20B.003:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor (2) Fairview Road, and (3) Springdale/Oakdale/Lullwater. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- (1) Minimum off-street parking requirements:
 - a. Off-street parking will not be permitted in any front yard nor in any side yard within 50 feet of a street line, except for Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this parking regulation, the front yard shall be that area between the street line and the forward line of the principal structure.
 - b. No off-street parking shall be located within 20 feet of any lot line except as may be authorized by the Atlanta Urban Design Commission under section 16-20B.004(5).
 - c. Parking space requirements: Parking areas on the lot with adequate access to a public street and with adequate circulation space shall be constructed of a material which will assure a surface resistant to erosion and shall be maintained permanently as follows:
 2. For single-family dwellings: Two (2) spaces per dwelling unit.
- (3) Minimum landscaping requirements: The overall quality of the landscaped area visible from public ways should be preserved as an integral part of the historic character of Druid Hills, and the following regulations shall apply to all parcels located within the district:
 - a. A certificate of appropriateness shall be required for the clearance or removal of any tree with a caliper of four (4) inches or greater and shrub massings or hedges over three (3) feet high.
 - b. All trees with a caliper of four (4) inches or greater as measured four (4) feet above the ground, outside of the building site which are cleared for any reason, shall be replaced with trees having a minimum caliper of one and one-half (1 ½) inches.
 - c. A certificate of appropriateness shall be required for any major change in the landscape which is visible from the public right-of-way. Removal or changes in topography, walls (retaining or freestanding), and fences shall constitute a major change.
 - e. Which shall read as follows: “(3)(e.) Any construction in the Druid Hills Landmark District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the district. Landscape changes visible from the public right-of-way shall require a Certificate of Appropriateness and shall follow the standards set forth by the Secretary of the Interior. These standards, *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, are designed to assist individual property owners in the formulation of plans for maintenance and continued use of historic properties and landscapes.”
- (4) *Minimum drainage controls:* Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
 - a. No structure shall be permitted within any 100-year floodplain.
 - b. No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - c. No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (5) *Minimum architectural controls:* Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

Sec. 16-20B.006. Springdale/Oakdale/Lullwater

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (3) Minimum lot requirements:
 - a. Lot width: Each lot shall have a minimum lot width of 100 feet.
 - b. Lot area: Each lot shall contain a minimum lot area of 38,000 square feet.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
 - a. Setbacks:
 6. East side of Lullwater Road, Ponce de Leon Avenue to city limit:
 - a. Front yard: 75 feet.
 - b. Side yards: 20 feet.
 - c. Rear yard: 50 feet.
- (6) Maximum height: No building shall exceed a height of 35 feet.

Section 16-20B.008. Variances, special exceptions and appeals.

- (1) The urban design commission shall have the power to hear, grant, or deny all variances from the sections of this chapter and all special exceptions as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done. The criteria and the procedures for such variances and special exceptions shall be the same as so specified in chapter 26 of this part for the board of zoning adjustment.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Secretary of the Interior Standards for Treatment of Historic Properties

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Variance Analysis

The Applicant's variance analysis was previously provided to the Commission. The Staff does concur with the Applicant that there are extraordinary and unusual conditions related to this property, namely the two streams and stream buffers, the lack of frontage along Lullwater Road, and the triangular shape to the lot. The Staff also finds that they are peculiar to the property as it is not familiar with any lot within the District with all three of these characteristics. The Staff would also agree that the three characteristics noted above, when combined with the 50 ft. rear setback requirements, would create a very small or almost non-existent buildable area to the lot. Given that the District regulations allow for a single family house on the property, a non-existent buildable area would be an unnecessary hardship to the Applicant.

However, the Staff is concerned about the potential for substantial detriment to the public good, given how close the proposed house would be to the property to the south and that the setback would be reduced to less $\frac{1}{4}$ of the requirement. The Applicant's response to this criterion focused on the effects of the removal of the existing house, but does not sufficiently address how the location of the proposed house would meet this criterion.

While the Staff knows that the property is residential to the south ("Lullwater Estates Townhouses"), it is not clear in the Applicant's submission how the proximity of the proposed house would or would not affect the residents to the south. Further, the Staff would add that one of the reasons for the large setbacks in the District is to allow for substantial open space and generally green space between houses to maintain the park-like setting and streetscape pattern planned by Olmsted.

The Staff would recommend the Applicant provide more justification for why the reduction in the setback would not cause substantial detriment to the public good or impair the purposes and intent of the District regulations.

Overall Development Controls

The site plan indicates that only "dead" tress will be removed for this project.

The Staff would recommend that the Applicant confirm that no structure will be located within the 100 year flood plain.

It is not clear that the proposed house will not be built on any natural slope exceeding 25%. The Staff would recommend the Applicant provide a slope analysis of the site to confirm that the house will not be placed on any 25% slope.

The proposed house includes two off-street parking spaces located within the attached garage. The District regulations restrict off-street parking within 20 ft. of any property line. As such, the Staff would recommend the Applicant document that the garage is located 20 ft. from the rear property line or the garage shall be pushed forward to be more than 20 ft. from the rear property line.

The lot coverage for all structures, parking and driveways does not exceed 35 percent of the lot area.

Architectural Analysis

The District regulations call for any construction in the District to “maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.” As such, the Staff finds that the proposed new construction should be an architectural style and form found in the historic houses in the District. Further, the Staff finds that if the architectural style and form of the proposed house is in the District, the architectural style should either be very similar to the examples found in the District or be very similar to those found in generally accepted references, such as A Field Guide to American Houses, by Virginia and Lee McAlester, which was used by the Staff in this situation.

In reviewing the proposed house, the Staff is concerned that its style and form are not found in the District. Further, the Staff is also concerned that the style and form are not very similar to generally accepted references. The closest style and form that the Staff found to the proposed house was that of Georgian Revival. However, the Staff finds that the semi-enclosed front patio / veranda, forward-projecting side ells with hipped roofs, wings (the garage and screened porch), paired windows, and tall windows flanking the front door are not typical of the Georgian Revival style. Some of these elements invoke a somewhat loose interpretation of a formal, “Colonial Revival” style or Early Classical Revival, but some don’t fit with those styles or forms either. Without even taking into account the deviations noted above, the Staff could not find examples of Georgian Revival, “Colonial Revival”, or Early Classical Revival styles or forms in the District. In addition, the Staff finds the roofs of the garage and porch wings are too significant for their size and their secondary placement on the house.

In addition, notwithstanding its concerns about the garage’s encroachment into the 20 ft. property line buffer, the Staff is concerned about the significant placement and presence of the two-car garage on the front façade of the building. The Staff could find no example of an historic house with such a garage placement.

While the Staff acknowledges that the house itself will have limited visibility from the street, the Staff finds that its style and form must meet the District regulations.

The Staff would recommend that the house style and form be re-designed to maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district” by utilizing the architectural styles and forms found in the historic houses in the District.

Staff Recommendation: Based upon the following:

1. The Applicant has shown that there are extraordinary and exceptional conditions pertaining to the property, per Section 16-26.003(1)(a);
2. The Applicant has shown that the application of the Zoning Ordinance of the City of Atlanta to the property would create an unnecessary hardship, per Section 16-26.003(1)(b);
3. The Applicant has shown that there are conditions that are somewhat peculiar to the property; per Section 16-26.003(1)(c);
4. The Applicant has not shown that relief, if granted, would not impair the purposes and intent of the Zoning Ordinance of the City of Atlanta and the District regulations and would not impair the purposes and intent of the District regulations less, per Section 16-26.003(1)(d); and
5. The Staff's recommendation regarding CA4PH-14-035 for the demolition of the existing house and accessory structure due to a threat to public health and safety.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-14-050) for a variance to reduce the rear yard setback from 50 feet (required) to 7 feet (proposed) at **817 Lullwater Rd.** Property is zoned Druid Hills Landmark District, to allow time for the Applicant to address the following concerns and comments:

1. The Staff's recommendation regarding CA4PH-14-035 for the demolition of the existing house and accessory structure due to a threat to public health and safety;
2. The Applicant shall provide more justification for why the reduction in the setback would not cause substantial detriment to the public good or impair the purposes and intent of the District regulations, per Section 16-26.003; and
3. The Applicant shall provide to the Staff all additional documents, information and materials (including the required number of copies) no less than eight (8) days prior to the Commission to which this application is deferred.

Staff Recommendation: Based upon the following:

1. The Staff's recommendation regarding the variance request (CA3-14-050) could result in changes in the design of the proposed house, per Section 16-26.003(1);
2. The Staff's recommendation regarding the demolition of the existing house and accessory structure due to a threat to public health and safety (CA4PH-14-035);
3. There are some unresolved or as yet undocumented site characteristics, per Section 16-20B.003; and
4. The proposed house style and form does not meet the District regulations, per Section 16-20B.005.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-14-045) for the construction of a new single family house at **817 Lullwater Rd.** Property is zoned Druid Hills Landmark District, to allow the Applicant time to address the following concerns / comments:

1. The Staff's recommendation regarding the variance request (CA3-14-050), per Section 16-26.003(1);
2. The Staff's recommendation regarding the demolition of the existing house and accessory structure due to a threat to public health and safety (CA4PH-14-035);
3. The Applicant shall confirm that no structure will be located within the currently defined 100 year flood plain, per Section 16-20B.003(4)(a);
4. The Applicant shall provide a slope analysis of the site to confirm that the house will not be placed on any 25% slope, per Section 16-20B.003(4)(b);

5. The Applicant shall document that the garage is located 20 ft. from the rear property line or the garage shall be pushed forward to be more than 20 ft. from the rear property line, per Section 16-20B.003(1)(b);
6. The house style and form shall be re-designed to maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district” by utilizing the architectural styles and forms found in the historic houses in the District, per Section 16-20B.003(5); and
7. The Applicant shall provide to the Staff all additional documents, information and materials (including the required number of copies) no less than eight (8) days prior to the Commission to which this application is deferred. .



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 12, 2014

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-14-038) for a rear deck / porch addition at **765 Lullwater Road**– Property is zoned Druid Hills Historic District.

Applicant: James Heerin
765 Lullwater Road

Facts: According to the District inventory sheet, this house was built in 1948 and is considered contributing to the District. The Applicant proposes to rebuild a portion of their substantial rear deck / porch system to create a screen porch portion that is about 15 ft. deep (measured front to back) and 14 ft wide (measured side to side). The screen porch would be about 7 ft. deeper than the existing screened porch. Further, the rebuilding of this portion of the rear deck / porch would convert to a deck a section of the existing screen porch to the interior of the proposed screen porch.

The Staff would note that the house has been considerably altered since its construction, including new stucco, windows, doors, a shed roof to create the existing screen porch and the aforementioned deck system.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) Landmark buildings and sites:
 - (b) To change the exterior appearance of any structure within any Landmark District;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- (4) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
 - a. No structure shall be permitted within any 100-year floodplain.
 - b. No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - c. No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (5) Minimum architectural controls: Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Sec. 16-20B.006. Springdale/Oakdale/Lullwater

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (3) Minimum lot requirements:
 - a. Lot width: Each lot shall have a minimum lot width of 100 feet.
 - b. Lot area: Each lot shall contain a minimum lot area of 38,000 square feet.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
 - a. Setbacks:
 6. East side of Lullwater Road, Ponce de Leon Avenue to city limit:
 - a. Front yard: 75 feet.
 - b. Side yards: 20 feet.
 - c. Rear yard: 50 feet.

The Commission reviews alterations to any structure within the district, whether or not the alterations can be seen from the public right-of-way

Site

The lot in question fronts about 100' on the east side of Lullwater Road and has a depth of 301' on its longest side. Given that the footprint of the screen porch is increasing, the new screen porch needs to meet the setback requirements for additions and new construction.

Per the District regulations, the rear yard setback shall be no less than 50'. The Staff finds that the rear yard setback of the new screen porch is more than 50' and therefore meets the District regulations.

Per the District regulations, the side yard setback shall be no less than 20'. The Staff finds that the side yard setback of the new screen porch appears to be about 23 ft., which does meet the minimum setback requirement.

Per the District regulations, the lot coverage can be no more than 35%. The proposed lot coverage is not indicated on the site plan, though it would appear that the lot coverage would still be substantially below 35%. The Staff would recommend the Applicant confirm that the proposed lot coverage would meet the District regulations.

Per the District regulations, no structure can be in the 100 year flood plain. According to the surveyor's notes on the proposed site plan, some of the property is "located in an identified flood hazard zone." The Staff would recommend the Applicant confirm that none of the new construction is located in a 100 year flood plain.

No trees will be affected by the proposed work.

Demolition

The proposal includes the demolition of the existing screen porch and adjacent deck area. The Staff has no concerns about the demolition of this non-historic alteration to the house.

New Construction

The proposed new construction will replace a demolished non-historic screened porch and deck area. The proposed new construction will have limited visibility from the public street, if any at all. It will be located at the rear of the house, which is the preferred location for new construction and additions. The proposed new construction will not project beyond the side facades of the original house, nor will the roof ridge of the addition project above the original house's gabled roof form. The proposed roof pitch will be significantly less than the original gabled roof form.

The Staff's only concern about the actual design of the new construction is the connection of the new roof over the screen porch to the main, original roof of the house. As proposed, the screen porch roof would run up and over the main eave line of the original roof of the house. This relationship creates an awkward overlay between the two roof forms and disrupts the dominance and continuity of the main eave line. It is not compatible with the cottage form of the house. The Staff would note that the existing screen porch roof connects at the main eave line, which is the preferred location from a historic compatibility perspective. The Staff would recommend that roof of the proposed screen porch connect to the main roof of the house at the eave line.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.003 and 16-20B.006.

Staff recommends approval of the application for Type III Certificate of Appropriateness (CA3-14-038) for a rear deck / porch addition at **765 Lullwater Road**– Property is zoned Druid Hills Historic District., with the following conditions:

1. The Applicant shall confirm that the proposed lot coverage would meet the District regulations, per Section 16-20B.006(4);
2. The Applicant shall confirm that none of the new construction is located in a 100 year flood plain, per Section 16-20B.003(4)(a);
3. The roof of the proposed screen porch shall connect to the main roof of the house at the eave line, per Section 16-20B.003(5); and
4. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 12, 2014

Agenda Item: Application for a Review and Comment (RC-14-040) for an off-leash dog park in **Freedom Park at Freedom Parkway and Boulevard-** Property is zoned C-2/R-5.

Applicant: Old Fourth Ward Barkway Corporation
640 Glen Iris Drive

Analysis: The following code sections apply to this application:
Per section 6-4043 of the Atlanta City Code, as amended:

(4) The Commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation of significant change, alteration or addition to any existing park.

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Applicant is proposing to use underutilized Freedom Park space at Freedom Parkway and Boulevard to create an off leash dog park. The park will be created by fencing in a portion of an existing two acre green space. As is typical, the dog park will be divided to separate small dogs and large dogs. The project will have three phases depending on funding. The first phase will consist of fencing, lighting, landscaping, walkways, water fountains, waste stations, recycling and some seating elements. Phase II will consist of additional landscaping, additional seating and dog rinse stations. Phase II might include a water feature or splash pad for the dogs. While phase II and phase III would be great additions, Staff finds that phase I offers all the basic amenities that are necessary for a successful dog park.

The proposed dog park will be located near the center of the Old Fourth Ward Neighborhood. While there is no parking area associated with the park, there will be parking available nearby on Howell Street and Highland Avenue. The closest dog park is Piedmont Park and there are already concerns that it is overcrowded. Staff finds the proposed park is appropriately placed adjacent to the Freedom Parkway trail. Staff finds the dog park will be easy to get to from the Old Fourth Neighborhood and likely other neighborhoods adjacent to the Freedom Parkway Trail.

While Staff is strongly supportive of a dog park in this location, there are a few questions and concerns. The details regarding the proposed fencing are not clear. Staff suggests the Applicant provide details regarding the material, design and height of the fence. On the plans there is an indication of park rules. While the narrative indicates the rules will be consistent with City of Atlanta park rules, will there be additional requirements regarding proof of residency and vaccinations?

The Applicant submitted a large list of trees, however it is not clear which trees will be planted in the park. There is an indication of trees and plantings that will create a buffer between the park and the trail, however it is not clear whether trees will be planted in the park to create shade. In many dog parks, the lack of shade during warm months is a huge problem.

While Staff has questions about some of the details, Staff would reiterate its strong support for the proposed dog park. It appears the Applicant is working with all of the surrounding neighborhood associations and has both their input and support. It appears the Applicant has detailed plans regarding the use and benefits of the park. It appears the Applicant has plans regarding funding and maintenance for the proposed park. Given the information we have at this time, Staff has no major concerns regarding the proposed off leash dog park.

Staff recommends the Commission confirm delivery of its comments at the meeting.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 12, 2014

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-14-044) for a variance to allow a roof form which does not meet the district regulations, and (CA3-14-043) for renovations and additions at **160 Savannah Street** – Property is zoned Cabbagetown Landmark District (Subarea 3).

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: According to the 2002 inventory, this single-family dwelling was built before 1899 and is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20.007

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) *Landmark Districts:*
 - (a) To change the exterior appearance of any structure within any Landmark District;
 - (b) To erect any new structure or to make an addition to any structure within a Landmark District;
 - (c) To demolish or move any structure, in whole or in part, within a Landmark District; or

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Per Section 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall be required as follows:

- (1) *When required:*
To change the exterior appearance of any portion of a structure within the district
- (2) *Type required:*
 - b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II Certificate

Sec. 16-20A.006. General regulations.

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (3) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (4) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) *Design standards and criteria for new principal buildings.* The following regulations shall apply to new construction of principal buildings.
 - a) *General criteria:*
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.

2. The general façade organization and proportions shall be subject to the compatibility rule.
3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) *Facades:*

1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

- (14) *Design standards for alterations and additions to contributing buildings.* Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:

- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
- d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
- e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.

Sec. 16-20A.006. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (2) *Cottage Housing.* Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures,

- modest in scale, that are characterized by common setbacks, repetitive porch and facade features, and consistent structure massing.
- (3) *Permitted principal uses and structures.* A building or premises shall be used only for the following principal purposes:
- a) Single-family detached dwellings.
 - b) Two-family dwellings existing at the time of the adoption of these regulations. Two-family dwellings, originally built as duplexes, shall be permitted even if the use has lapsed for more than a year.
 - c) Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
- (6) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) *Maximum building height and width.* The compatibility rule shall apply.
- (8) *Floor area ratio.* The floor area ratio shall not exceed 0.50.
- (9) *Roofs.*
- a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) *Porches.*
- a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) *Fencing and walls.*
- a) Walls are not permitted in a front yard, or a side yard adjacent to a public right of way.
 - b) Variances for the height of walls or fences may be granted by the commission.
 - c) Walls shall be constructed of wood.

Variance Petition Addendum

Variance: Relief from section 16-20A.006.14.e to allow a gabled roof on a rear addition where a hipped roof would otherwise be required.

1. The existing house is located on a block face containing 15 houses, and is one of only three of those houses with a hipped roof. Many of the gable-roofed houses are 1-1/2 story, allowing for second floor living space within finished attics. The house sits less than 3' from the northern side property line with a broad south side yard, leaving only the northeast corner of the lot behind the existing house available for expansion.
2. Without a variance to allow for a gabled roof and thereby the ability to construct a 1-1/2 story addition, the ability to expand the existing house would be extremely limited. Additions to contributing structures are limited to no taller or wider than the existing house, so expansion into the southern side yard would not be possible. The available area at the rear of the house is not large enough to accommodate a single floor addition that would meet the needs of the homeowner. A 1-1/2 story hipped roof addition would not be feasible, as zoning limits cottage style houses to a single dormer on a secondary elevation, which would not provide enough adequate headroom for habitable space and a code-complaint staircase.
3. Although the house is of a similar width to other houses on the block face, its position on the lot with one narrow and one broad side yard limits possible areas for expansion, thereby necessitating a 1-1/2 story solution to provide the homeowner with the spaces needed to continue living in the home with his family. The majority of other houses on the block face have gabled roofs, allowing for 1-1/2 story homes with second floor living space.
4. Allowing for a gabled rear addition will allow expansion of the home in a manner consistent with other houses on the block face, in the subarea, and in the district as a whole. This will provide the

homeowner and his family additional space needed to continue living in their home, thereby promoting stability of the neighborhood. This goal is in keeping with the Statements of Intent found in section 16-20A.001, "To prevent the displacement of residents and to encourage affordable housing."

Variance Justification Response

In looking at the block, the majority of the houses are Shotguns with a gable roof. Like the subject house, the few cottages on the block have a hipped roof. The Applicant is proposing to have a rear gable roof in order to accommodate the addition of two bedrooms, two bathrooms, an office, a storage area, a deck and a rear porch. Given the amount of additional space that is proposed, Staff would agree that there is not enough room on the lot to accommodate the request and meet the district requirements.

Staff agrees that the regulation that requires additions be no taller and no wider than the existing house limits the allowable buildable area. Staff agrees the requirement that only allows a single dormer on a secondary roof would not allow for the desired upstairs bedroom and bathroom. Staff finds that other possible solutions would require additional variances from the regulations. As such, Staff finds the Applicant has shown that denial of the variance would be hardship. Staff finds that the proposal will not cause a substantial public detriment. Lastly, Staff agrees that the proposed expansion of the home meets the intent of 16-20A.001. Given the information we have at this time, Staff supports the requested variance.

Site Plan

In looking at the site plan submitted the lot fronts 35.67' on Savannah Street and a depth of 81.68'. In looking at the City records, the existing lot fronts 33' on Savannah and has a depth of 82.8'. Given the size of the lot, a difference of 2.67' could be significant. Staff suggests the Applicant meet with the Office of Planning subdivision staff to resolve the lot discrepancy issue.

Per regulations, all setbacks are based on the compatibility rule. Specifically, setbacks are based on contributing buildings of like use with the same architectural style. As the house in question is a cottage, Staff finds the only houses on the block face that can be used as a point of comparison are 158, 170 and 184 Savannah Street. In looking at the points of comparison submitted for the north and south yard setback, Staff finds three of the four houses are not cottages and therefore cannot be used. Staff recommends the Applicant provide documentation the proposed north and south yard setbacks meet the requirements. Staff finds the rear yard setback requirement has been met.

Per regulations, the maximum floor area ratio (FAR) allowed is .50. The proposed FAR is .48 and therefore meets the regulations. Lot coverage is not subject to review in this subarea.

The Applicant is proposing a new 6' wood fence towards the front of the property. Staff finds the proposal is actually a wall. As the proposed wall is located out of the front yard, Staff finds it is allowed. Staff has no concerns regarding the material or design of the proposed wall.

Additions

As indicated in the variance portion, Staff does not have a concern regarding the rear gable roof. In general, Staff finds the overall design, width, height, architectural details and materials meet the requirements. The Applicant is proposing a flat panel skylight on the side of the addition towards the rear. Staff finds the skylight will likely not be seen from the street and therefore meets the requirements.

The Applicant is proposing a new deck on the side of the house. Per regulations, decks are allowed on the side if not visible from the street. In looking at the side elevation, the proposed 6' wall appears to

be lower than the railing of the proposed deck. Staff has concerns that the deck may be visible from the street. Staff recommends the Applicant provide documentation that the proposed deck will not be visible from the street.

Renovations

The Applicant is proposing to remove the existing in-fill on the front foundation and restore it to the original porch and beam foundation. Staff has no concerns regarding the foundation proposal. The Applicant is proposing to repair an existing sash in the foyer with an existing rear window. Staff has no concerns regarding the proposed sash repair. The Applicant is proposing to re-install original doors in their original locations. Staff has no concern regarding the proposed door proposal.

The Applicant is proposing interior renovations and alterations to the existing kitchen and bathroom area. These existing areas are covered by two shed roofs. The Applicant is proposing to extend the wall of the existing kitchen and cover the area with one shed roof. Staff finds the proposed alteration is appropriate and compatible with the existing house.

Staff Recommendation: Based upon the following:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography);
- 2) The application of the Zoning Ordinance of the City of Atlanta to this piece of property does not create an unnecessary hardship;
- 3) There are conditions peculiar to this property;
- 4) Relief if granted would not cause a substantial detriment to the public good;

Staff recommends approval of the Application for a Type III Certificate (CA3-14-044) for a variance to allow a roof form which does not meet the district regulations at **160 Savannah Street** – Property is zoned Cabbagetown Landmark District (Subarea 3).

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 (14) with the exception of the comments above;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-14-043) for renovations and additions at **160 Savannah Street** – Property is zoned Cabbagetown Landmark District (Subarea 3), with the following conditions:

1. The Applicant shall provide documentation the proposed north and south yard setbacks meet the requirements, per Section 16-20A.009(8);
2. The Applicant shall provide documentation that the proposed deck will not be visible from the street, per Section 16-20A.009(12)(a); and
3. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 12, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-056) for renovations at **134 Peachtree Street (Rhodes Haverty Building)**- Property is zoned SPI-1 SA7/LBS (Landmark Building/Site).

Applicant: Christine Cooley-Phillips
3315 Huntcliff Drive, Cumming

Facts: The Rhodes-Haverty building constructed in 1929 and was designated as a Landmark Building in 1989.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

(a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(1) *Landmark buildings and sites:*

(a) To change the exterior appearance of any Landmark Building or Site;

Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, for purposes and objectives contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic regulations as are required in article D of chapter 4 or part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Applicant provided a detailed analysis regarding the investigation of the property to determine what repairs were required. It was discovered that original features of parts of the first and second floor were covered during a 1967 renovation project. At the conclusion of the investigation, two options regarding restoration were proposed. Option #1 included removal of parts of the 1967 alteration and restoration of parts of the original construction. Option #2 does not include any restoration of the original construction. While Staff cannot require the Applicant to choose Option #1, Staff finds the best preservation solution for the building would be to remove the 1967 alteration where possible and restore the original construction where possible.

According to the narrative, the Applicant is proposing the following façade maintenance restoration program:

- brick, terra cotta and granite re-pointing
- crack and spall repair
- replacement of masonry units with similar units
- resetting and re-anchoring of masonry units
- terra cotta glaze repair
- projecting surface cap flashing
- window and door sealant repair
- finish repair

In looking at the elevations, the detailed analysis and the pictures submitted by the Applicant, Staff finds that repairs and some replacements are likely necessary. In looking at the details of how the various repairs will be accomplished, Staff does not have a general concerns regarding how the repairs will be done. Staff does have concerns regarding some of the proposed replacements.

In looking at the detailed notes on the elevations, some of the brick will be replaced in-kind, however where terra cotta is proposed for replacement, it is indicated as being replaced with new glass fiber reinforced concrete. While the narrative indicates this new material will match the profile of the existing material, Staff finds that when replacement is required, it should be done with the same material. Staff recommends all required replacements are done with in-kind materials.

The notes on the plans indicate the replacement of mortar and sealant in various places on the building. While Staff does not have a general concern regarding the proposed replacement, Staff recommends the color and strength of the mortar match the existing mortar. Staff recommends the sealant is clear and breathable so that it does not trap moisture.

SPI Review

In addition to being a Landmark building, the Rhodes-Haverty building is also in a Special Public Interest District (SPI). It is possible the SPI review may necessitate changes to the project to meet the SPI regulations. Staff recommends any changes necessitated by the SPI review be approved by Staff.

Staff Recommendation: Based upon the following:

- (1) The proposed project meets the regulations with the exception of the comments above, per Section 16-20.009(7);

Staff recommends approval of an application for a Type II (CA2-14-056) for renovations at **134 Peachtree Street (Rhodes Haverty Building)**- Property is zoned SPI-1 SA7/LBS (Landmark Building/Site), with the following conditions:

1. All required replacements shall be done with in-kind materials, per Section 16-20.009(5);
2. The color and strength of the mortar shall match the existing mortar, per Section 16-20.009(5);
3. The sealant shall be clear and breathable, per Section 16-20.009(5);
4. Any changes necessitated by the SPI review shall be approved by Staff; and
5. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 22, 2014

REVISED

March 10, 2014

(Revised text in italic.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-348) for a variance to reduce the right side yard setback from 7' (required) to 3' (proposed) and reduce the Airline Street setback from 7' (required) to 1.5' (proposed) *and to use an alternate block face for comparison* and (CA3-13-347) for a new single family house at **619 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: This is currently a vacant, generally triangular shaped lot that is located at the southeast corner of Auburn Avenue and Airline Street. This is the last property on Auburn Avenue in the District. Across Auburn Avenue are newer homes that are not in the District, to the east across Airline Street is property associated with Studioplex. To the west is a modern / contemporary house recently finished and next to that is the only contributing house on the block face.

On March 4, 2014, the Applicant submitted additional information and supporting materials for the proposed house. The house design itself did not change from the original submission, but there are some slight modifications to the site plan. This additional information and supporting material is taken into account with this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark Districts:

- b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

- (1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.
- (3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.
- (4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
- (5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."
- (8) Secretary's guidelines: In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 shall be a part of these regulations and shall be applied by the AUDC.
- (11) Off-street parking:
 - a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
 - b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

- (1) Permitted principal uses:
 - a. Single-family dwellings.
- (3) Development controls:
 - a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.
 - b. Maximum height: The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.

- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variances

The Applicant requested a variance to reduce the right side yard setback from 7' (required) to 3' (proposed), and reduce the Airline Street setback from 7' (required) to 1.5' (proposed), as well as to use a different block for the comparison. In looking at the site plan, the rear yard (which is measured off of the "leg" of the triangle that projects to the south) meets the District regulations.

The Staff would concur with the Applicant's variance argument. While there are certainly numerous corner lots in the District, there are few if any corner lots with such an acute angle to them. Further, if the right side yard setback was kept at the required 7', the house would become too thin for the size of lot it is located. That is, larger and wider homes are generally located on wider, larger lots and smaller homes are located on thinner, smaller lots. The Staff would also note that the Airline Street setback, as mentioned by the Applicant, is only for two corners of the house, while the majority of the house is outside the 7' required setback.

The Staff would recommend approval of the side yard and Airline Street setback requests.

The Staff would still concur with the Applicant's variance argument regarding the setbacks and would retain its recommendation regarding the setback request.

Regarding use of another block for comparison purposes, the Applicant has proposed a block nearby with three relatively small lots that have double frontage, including a roughly triangular shaped lot at Auburn Avenue and Old Wheat Street. This block face is relatively similar to the block face where the subject property is located. Further, the Staff would concur that with one point of comparison on the subject property block face, the resulting house would have to look essentially the same as the one contributing house, resulting in a somewhat repetitive architectural pattern.

The Staff would recommend approval of the use of another block face for comparison purposes.

Compatibility Rule Comparisons

The Applicant's compatibility rule analysis chart includes building height and front yard setback as measured to the porch. The chart includes three addresses: 597, 603 and 605 Auburn Avenue. The compatibility rule analysis should be based on the contributing buildings of like use on the block. In this case, the compatibility rule chart has included a religious building (597) and a non-contributing building (605). There is only one contributing building of like use (a house) at 603 Auburn Avenue. Though not included in the chart, the Applicant also refers to the houses across Auburn Avenue, which are not located in the District and even if they were in the District would be non-contributing. Further, the Applicant makes reference to those house's height as "in excess of 40'", but this measurement was estimated from the finish grade of the sidewalk, not from the finish grade adjacent to the house. Taken all together, the Staff finds that only 603 Auburn Avenue is an allowable point of comparison for the compatibility rule and the design analysis.

The Applicant's new compatibility rule analysis chart includes building height and front yard setbacks. The chart includes three addresses: 540, 546, and 550 Auburn Avenue. Given the Staff's recommendation regarding the block face comparison, the Staff finds that the use of these three houses for the purposes of front yard setback and height comparison is appropriate.

However, the Staff does have some concerns about the calculations. First, it is not clear to where the front yard setback is measured on the comparison houses. Second, as noted for the Staff's first review, the height of the houses should be measured at the grade where the house meets the ground, not from the top of the curb. If this technique were used, the propose house (which sits on a relatively flat lot) could get additional height through the benefit of the grade difference between the front of the comparison house's and the top of the curb. This would particularly be the case for 540 and 546 Auburn Avenue which have retaining walls along the back of the sidewalk.

The Staff would recommend the Applicant confirm their technique for measuring the front yard setback and revise their height calculations to measure the house from the grade at the front façade of the house vs. from the top of the curb.

Site

The lot in question fronts 68.18' on Auburn Avenue and 96.3' on Airline Street. On the longest side of the triangle (the right side property line) the lot is 60' deep. Per regulations, the front yard setbacks are based on the compatibility rule which requires that the "average ... shall be adhered to". The front yard setback information is based on a measurement to the front porch, which for the one contributing house is 2.7'. The Staff would note that 603 Auburn Avenue has full width front porch. The proposed house has in inset front porch. As such, the setback of the proposed house must be 2.7'. The Staff recommends the front yard setback of the house be 2.7'

Notwithstanding the Staff's comments about the measurement technique, the new block for comparison purposes produces an average front yard setback (including the 5% differential) of 5.13 ft. The Staff would recommend the front yard setback reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed.

The proposed driveway / parking pad is located at the tip of the triangle to the side of the house. The parking pad itself is past the corner of the house closest to Airline Street, making the parking pad beyond the Airline Street façade of the house. The Staff would recommend that the parking pad extend up to the rear façade of the house to make the most room available for parking. Further, if the

Applicant decides to move the house forward to meet the front yard setback requirement, the parking pad should continue to be up to the rear façade of the house.

The parking pad has been redesigned to come up to the back of the house.

There is not walkway shown from the front porch stairs to the public sidewalk. The Staff would recommend that a walkway extent from the front porch stairs to the public sidewalk.

No walkway has been shown on the revised site plan. The Staff would retain its recommendation.

The Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

There are no fences or walls proposed for the property.

Building Height

Per the District regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. For the one contributing building on the block, the height is listed in the compatibility rule chart as 20.8' making the maximum height allowed 22.88'. It is not clear where and how the height measurement was taken. Nonetheless, the proposed height is significantly more than the allowed height based on the correct application of the compatibility rule. The Staff recommends the height of the house be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations.

Notwithstanding the Staff's comments about the measurement technique, the new block for comparison purposes produces an average building height (including the 10% differential) of 33.5 ft. The Staff would recommend the building height meet the resulting average building height when the building height calculations are revised to measure the house from the grade at the front façade of the house vs. from the top of the curb.

Overall Design and Massing

As noted above, the block features one contributing house, which is a one-story, hipped roof bungalow with a full width front porch. The proposed two-story house has a hipped roof central form with large front and side facing gables (which create somewhat of a "gabled ell" form), with an inset front porch and a small second level porch / balcony in the elbow of the ell. In addition to the non-compliant height noted above, the Staff finds that architecturally the proposed house has little in common with the house at 603 Auburn Avenue. Further, there are few contributing houses in the District with gabled-ell forms, inset or multi-depth porches, or steeply pitched gable / hipped combination roofs. While the Staff concurs that having somewhat of a gabled ell form is appropriate for the triangular-shaped, corner lot, the Staff is concerned that the front facing gable, lack of full width front porch, and second floor porch / balcony are significant deviations from 603 Auburn Avenue. The Staff would recommend the design be revised to be consistent and compatible with the contributing house on the block taking into account a gable ell house form.

Given the new block for comparison purposes, the Applicant notes that the houses on the comparison block are "Victorian and Folk Victorian", including gabled roofs and "inset second story porches" (at 550 Auburn Avenue). While the Staff would concur with the Applicant's architectural classification of the houses on the comparison block, it does not agree that the front porch design of 550 Auburn Avenue supports the inclusion of a small second level porch / balcony. The removal of this porch / balcony would also help simplify the roof form of the proposed house, increasing the compatibility of the roof form to the simple roof forms of the comparison block.

The Staff would recommend the second level porch / balcony be eliminated from the house design. Further, the Staff would recommend that the Applicant document the roof pitch compliance between the proposed house and the comparison block houses.

Architectural Elements

In looking at the doors, windows, siding, trim and chimney, the Staff generally finds that they meet the District regulations. The Staff is concerned about the lack of trim between the paired windows. The Staff would recommend that trim be installed between the paired windows at least equal in width to the side window trim.

It also appears that the second floor windows are too close to the eave line, unlike the comparison block. The Staff would recommend that there is a space between the second floor windows and the eave line, similar to what is found on the comparison block.

In addition, the Staff is concerned about the lack of windows on the right side elevation, which currently shows only two sets of windows. While it understands the proximity of the house to the property line, the Staff finds that the lack of windows is not compatible with the comparison block face and will create too much blank wall. The Staff would recommend additional windows be added to the right side elevation in a pattern compatible with the comparison block face.

Further, the Staff is concerned about the half-round vent in the front gable, which the Staff finds is not commonly found in the District and not compatible with the architectural style of the house. The Staff would recommend the gable vent be rectangular in proportion and vertically oriented.

Materials

In looking at the materials, the Staff generally finds that they meet the District regulations. Wood trim, smooth face cementitious siding and a brick chimney (above the roof line) are compatible with the District. However, it is not clear the material of the porch columns, front door, and front porch floor. Further, on the site plan the driveway material is not specified. The Staff would recommend the Applicant clarify all of the exterior materials and site work materials, and all such materials meet the District regulations.

Lastly, the Staff would recommend that given the basic graphic quality of the house elevations, the Applicant shall provide a standard architectural elevation that meets all of the District regulations, as determined by the Staff at that time.

CA3-13-348

Staff Recommendations: Based upon the following:

- a) The variance request meets the requirements, per Section 16-20C.003, .004. and .005;

Staff recommends approval of an Application for a Type III Certificates of Appropriateness (CA3-13-348) for a variance to reduce the right side yard setback from 7' (required) to 3' (proposed) and reduce the Airline Street setback from 7' (required) to 1.5' (proposed) *and to use an alternate block face for comparison at 619 Auburn Avenue* - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

CA3-13-347

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends *approval* of an application for a Type III Certificates of Appropriateness (CA3-13-347) for a new single family house at **619 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, *with the following conditions:*

1. *The Applicant shall confirm their technique for measuring the front yard setback and shall revise their height calculations to measure the house from the grade at the front façade of the house vs. from the top of the curb, per Section 16-20C.005(3);*
 2. *The front yard setback shall reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed, per Section 16-20C.005(3)(a);*
 3. A walkway shall extent from the front porch stairs to the public sidewalk, per Section 16-20.009(6);
 4. *The building height shall meet the resulting average building height when the building height calculations are revised to measure the house from the grade at the front façade of the house vs. from the top of the curb, per Section 16-20C.005(3)(b);*
 5. *The second level porch / balcony shall be eliminated from the house design, per Section 16-20.009(6);*
 6. *The Applicant shall document the roof pitch compliance between the proposed house and the comparison block houses, per Section 16-20.009(6);*
 7. Trim shall be installed between the paired windows at least equal in width to the side window trim, per Section 16-20.009(6);
 8. *There shall be a space between the second floor windows and the eave line, similar to what is found on the comparison block, per Section 16-20.009(6);*
 9. *Additional windows shall be added to the right side elevation in a pattern compatible with the comparison block face, per Section 16-20.009(6);*
 10. The gable vent shall be rectangular in proportion and vertically oriented, per Section 16-20.009(6);
 11. The Applicant shall clarify all of the exterior materials and site work materials, and all such materials meet the District regulations, per Section 16-20.009(6); and
 12. *The Applicant shall provide a standard architectural elevation that meets all of the District regulations, as determined by the Staff at that time; and*
 13. *The Staff shall review, and if appropriate, approve the final plans, elevations, and supporting materials.*
- .



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 22, 2014

REVISED

March 10, 2014

(Revised text in italic.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-352) for a variance to reduce both side yard setbacks from 7' (required) to 4' (proposed) *and to use an alternative block face for comparison* and (CA3-13-353) for a new single family house at **615 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: This is currently a vacant, generally rectangular lot that is located on the south side of Auburn Avenue, one lot to the west of the corner with Airline Street. This is the second to last property on Auburn Avenue in the District. Across Auburn Avenue are newer homes that are not in the District, to the east across Airline Street is property associated with Studioplex. Immediately to the west is a modern / contemporary house recently finished and next to that is the only contributing house on the block face.

On March 4, 2014, the Applicant submitted additional information and supporting materials for the proposed house. The house design itself did not change from the original submission, but there are some slight modifications to the site plan. This additional information and supporting material is taken into account with this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) Landmark Districts:
 - b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

- (1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.
- (3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.
- (4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
- (5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."
- (8) Secretary's guidelines: In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 shall be a part of these regulations and shall be applied by the AUDC.
- (11) Off-street parking:
 - a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
 - b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

- (1) Permitted principal uses:
 - a. Single-family dwellings.
- (3) Development controls:
 - a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.
 - b. Maximum height: The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.

- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variances

The Applicant requested a variance to reduce both side yard setbacks from 7' (required) to 4' (proposed).

The Staff would concur with the Applicant's variance argument. While there are certainly lots in the District that are similar in size, if the setbacks were kept at the required 7', the house would become too thin for the size of lot it is located. That is, larger and wider homes are generally located on wider, larger lots and smaller homes are located on thinner, smaller lots.

However, it is not clear from the to-scale site plan included with the submission if the setbacks of the house would in fact be 4' on both sides of the house. The footprint of the house appears slightly askew from the side property lines and less than 4' on the right side yard. The Staff would recommend the site plan accurately reflect 4' side yard setbacks for the entire length of each side facade.

The Staff would retain this recommendation regarding the side yard setbacks.

There is a chimney on the left side elevation that encroaches 1' 8" into the setback. Per general City zoning regulations, chimneys cannot encroach more than 20" into the setback. The proposed chimney encroachment meets the general City zoning regulation encroachment allowance.

The chimney now appears to encroach 1 ft. 6 in. into the setback, which still meets the general City zoning regulation encroachment allowance.

The Staff would recommend approval of the side yard setback requests.

The Staff would still concur with the Applicant's variance argument regarding the setbacks and would retain its recommendation regarding the setback request.

Regarding use of another block for comparison purposes, the Applicant has proposed a block nearby with three relatively small lots that have double frontage, including a roughly triangular shaped lot at Auburn Avenue and Old Wheat Street. This block face is relatively similar to the block face where the subject property is located. Further, the Staff would concur that with one point of comparison on the subject property block face, the resulting house would have to look essentially the same as the one contributing house, resulting in a somewhat repetitive architectural pattern.

The Staff would recommend approval of the use of another block face for comparison purposes.

Compatibility Rule Comparisons

The Applicant's compatibility rule analysis chart includes building height and front yard setback as measured to the porch. The chart includes three addresses: 597, 603 and 605 Auburn Avenue. The compatibility rule analysis should be based on the contributing buildings of like use on the block. In this case, the compatibility rule chart has included a religious building (597) and a non-contributing building (605). There is only one contributing building of like use (a house) at 603 Auburn Avenue. Though not included in the chart, the Applicant also refers to the houses across Auburn Avenue, which are not located in the District and even if they were in the District would be non-contributing. Taken all together, the Staff finds that only 603 Auburn Avenue is an allowable point of comparison for the compatibility rule and the design analysis.

The Applicant's new compatibility rule analysis chart includes building height and front yard setbacks. The chart includes three addresses: 540, 546, and 550 Auburn Avenue. Given the Staff's recommendation regarding the block face comparison, the Staff finds that the use of these three houses for the purposes of front yard setback and height comparison is appropriate.

However, the Staff does have some concerns about the calculations. First, it is not clear to where the front yard setback is measured on the comparison houses. Second, as noted for the Staff's first review, the height of the houses should be measured at the grade where the house meets the ground, not from the top of the curb. If this technique were used, the propose house (which sits on a relatively flat lot) could get additional height through the benefit of the grade difference between the front of the comparison house's and the top of the curb. This would particularly be the case for 540 and 546 Auburn Avenue which have retaining walls along the back of the sidewalk.

The Staff would recommend the Applicant confirm their technique for measuring the front yard setback and revise their height calculations to measure the house from the grade at the front façade of the house vs. from the top of the curb.

Site

The lot in question fronts 28' on Auburn Avenue and is about 72' deep, not taking into account the triangular tip at the rear. Per regulations, the front yard setbacks are based on the compatibility rule which requires that the "average ... shall be adhered to". The front yard setback information is based on a measurement to the front porch, which for the one contributing house is 2.7'. The Staff would note that 603 Auburn Avenue has full width front porch. The proposed house has in inset front porch. As such, the setback of the proposed house must be 2.7'. The Staff recommends the front yard setback of the house be 2.7'

Notwithstanding the Staff's comments about the measurement technique, the new block for comparison purposes produces an average front yard setback (including the 5% differential) of 5.13 ft. The Staff would recommend the front yard setback reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed.

The proposed driveway / parking pad is located in the triangular rear portion of the lot. The parking pad is accessed through a driveway that passes through 619 Auburn Avenue. Given that off-street parking is not required in the District there is no requirement for an independent driveway connected to a public street. The parking location meets the District regulations.

There is not walkway shown from the front porch stairs to the public sidewalk. The Staff would recommend that a walkway extent from the front porch stairs to the public sidewalk.

No walkway has been shown on the revised site plan. The Staff would retain its recommendation.

The Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

There are no fences or walls proposed for the property.

Building Height

Per the District regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. For the one contributing building on the block, the height is listed in the compatibility rule chart as 20.8' making the maximum height allowed 22.88'. It is not clear where and how the height measurement was taken. Nonetheless, the proposed height is about 4' higher than the allowed height based on the correct application of the compatibility rule. The Staff recommends the height of the house be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations.

Notwithstanding the Staff's comments about the measurement technique, the new block for comparison purposes produces an average building height (including the 10% differential) of 33.5 ft. The Staff would recommend the building height meet the resulting average building height when the building height calculations are revised to measure the house from the grade at the front façade of the house vs. from the top of the curb.

Overall Design and Massing

As noted above, the block features one contributing house, which is a one-story, hipped roof bungalow. The proposed 1.5-story house has a front to back gable, with two large dormers that engage the side facades of the house, and a full width front porch. In addition to the non-compliant height noted above, the Staff finds that architecturally the proposed house only has the full width front porch in common with the house at 603 Auburn Avenue. Even while there are front-facing gable houses in the District with full-width, one-story front porches, 603 Auburn Avenue is a hipped roof house. Further, the Staff is concerned about the use of knee walls to add height to the second story and the size of the dormers (which essentially extend the side façade higher another ½ story) make the house incompatible with the house at 603 Auburn. Further, second level knees walls and dormers of this design and size are not typical of contributing houses in the District. The Staff would recommend the design be revised to be consistent and compatible with the contributing house on the block.

Given the new block for comparison purposes, the Applicant's narrative notes the "varied architectural styles" on the comparison block. In addition, the Applicant's narrative mentions two sets of elevations for review, "Elevation A" and "Elevation B". Elevation A is a more "modern" design

and Elevation B is more “conceptual” and incorporates “Victorian features and use of bays on the front façade.” However, the materials received by the Staff only include one set of elevations which while they are not “modern” also don’t include a bay on the front façade and are not “conceptual”.

Regardless of the Applicant’s intentions, the Staff reviewed the set of elevations submitted in the materials and finds them improved from the previous proposal including removal of the knee walls and two long shed dormers. The Staff does find that the use of a bay on the front façade would increase the design’s compatibility with the comparison block, as would the use of a main hipped roof with a front facing accent gable. The Staff would recommend the front elevation include a bay on the front façade, a hipped roof, and front facing accent gable.

Architectural Elements

In looking at the doors, windows, siding, trim, and chimney, the Staff generally finds that they meet the District regulations. The Staff is concerned about the lack of closed end to the brick stairs. The Staff would recommend that the front stairs have closed ends.

The front stairs now have closed ends.

Further, the Staff is concerned about the lack of windows on the right side elevation and the size of the windows that are included both of which create large sections of blank wall which is not compatible with the contributing house on the block face and the District in general. The Staff would recommend that the number of windows, their size, and their spacing be revised to be consistent and compatible with the contributing house on the block.

While the right side elevation has been revised, the Staff is still concerned about the lack of windows on that elevation and the size of the windows that are included. All of the existing windows appear to have higher sills. In addition, while the left side elevation has enough windows, it also appears to have three different widths of windows and two light design patterns. The Staff would recommend that the number of windows, their size, light patterns and their spacing be revised to be consistent and compatible with the contributing house on the comparison block.

Materials

In looking at the materials, the Staff generally finds that they meet the District regulations. Wood trim, smooth face cementitious siding, brick and stucco foundation, and a stucco chimney are compatible with the District. However, it is not clear the material of the porch columns, front door, and front porch floor. Further, on the site plan the driveway material is not specified. The Staff would recommend the Applicant clarify all of the exterior materials and site work materials, and all such materials meet the District regulations.

While some additional material notes have been added, the Staff would retain its original recommendation.

CA3-13-352

Staff Recommendations: Based upon the following:

- a) The variance request meets the requirements, per Section 16-20C.003, .004. and .005;

Staff recommends approval of an Application for Type III Certificate of Appropriateness (CA3-13-352) for a variance to reduce both side yard setbacks from 7’ (required) to 4’ (proposed) *and to use an alternative block face for comparison at 615 Auburn Avenue* - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline with the following condition:

1. The site plan shall accurately reflect 4' side yard setbacks for the entire length of each side facade.

CA3-13-351

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends *approval* of an application for a Type III Certificates of Appropriateness (CA3-13-351) for a new single family house at **615 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, *with the following conditions:*

1. *The Applicant shall confirm their technique for measuring the front yard setback and shall revise their height calculations to measure the house from the grade at the front façade of the house vs. from the top of the curb, per Section 16-20C.005(3);*
2. *The front yard setback shall reflect 5.13 ft. or the resulting average front yard setback when the measurement technique is confirmed, per Section 16-20C.005(3)(a);*
3. *A walkway shall extent from the front porch stairs to the public sidewalk, per Section 16-20.009(6);*
4. *The building height shall meet the resulting average building height when the building height calculations are revised to measure the house from the grade at the front façade of the house vs. from the top of the curb, per Section 16-20C.005(3)(b);*
5. *The front elevation shall include a bay on the front façade, a hipped roof, and front facing accent gable, per Section 16-20.009(6);*
6. *The number of windows, their size, light patterns and their spacing shall be revised to be consistent and compatible with the contributing house on the comparison block, per Section 16-20.009(6);*
7. *The Applicant shall clarify all of the exterior materials and site work materials, and all such materials meet the District regulations, per Section 16-20.009(6); and*
8. *The Staff shall review, and if appropriate, approve the final plans, elevations, and supporting materials.*



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

February 12, 2014

Agenda Item: Review and Comment (RC-14-006) for demolition of a single family house at 1474 Metropolitan Parkway- Property is zoned R-4/Beltline.

Applicant: Henrietta Kisseih
1100 2nd Street, Stone Mountain

Facts: The existing single family dwelling is located in the Capitol View Manor Neighborhood. According to the Fulton County tax records available online, this house was built in 1903.

In 2011, the Commission submitted a letter of support regarding a review and comment application (RC-11-201) on the National Register of Historic Places nomination for Capitol View Manor Historic District. The proposed historic district is a 100 acres residential neighborhood that began development in the mid 1920's. The majority of the houses were built before 1945. The proposed district is characterized by mostly residential structures in the Craftsman, English Vernacular Revival and Colonial Revival styles. There are also American Small Houses and Ranch Houses built between the 1940's and mid to late 1950's.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (5) The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structure or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.

The Applicant is proposing to demolish the existing single family dwelling to create additional green space for Emma Millican Park. In looking at pictures of the existing house, it is clearly historic and typical of the architecture in this neighborhood. It also appears that the house has been significantly damaged by a fire. Many of the windows are damaged and part of the roof is damaged. The existing house clearly requires repairs and renovations.

While Staff finds that green space is important, Staff finds that the demolition of this house would be a permanent loss to the Capitol View Manor neighborhood. While the house in question is located just outside the proposed National Register Historic District, it is eligible. Staff further finds that the architectural style of the existing house is consistent with the contributing houses in the proposed National Register Historic District. Staff strongly suggests that alternatives to the demolition of the house be considered, such as repairing, renovating and retaining the existing historic house as an amenity for the park. Another alternative is moving the house to a vacant lot within the neighborhood.

Given the information we have at this time, Staff cannot support the proposed demolition. If the house is demolished, Staff suggests that the house and its context are appropriately documented with archival quality photographs.

Staff Recommendation: Staff recommends that the Commission deliver its comments regarding Review and Comment (RC-14-006) for demolition of a single family house at **1474 Metropolitan Parkway**.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 12, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-041) for a variance to allow a deck where otherwise prohibited and (CA3-14-012) for a deck and site work at **2007 Spad Avenue**- Property is R-4A/Whittier Mill Historic District.

Applicant: Terry May
2007 Spad Avenue

Facts: According to the Whittier Mill inventory, this house was built before 1911 and is considered contributing.

Analysis: The following code sections apply to this application:

Sec. 16-20J.005. General regulations.

The following regulations shall apply to all properties within the Whittier Mill Historic District:

- (1) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."

Sec. 16-20J.006. Specific Regulations- Residential Subarea 1

In addition to the general regulations set forth in section 16-20J.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
 - a. *When required:*
 1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;
 2. To change the exterior appearance of the following elements of the front facade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front facade means the elevation of the building which faces the front yard as defined in code of ordinances section 16-28.007(3) and (4).
 3. To erect a new structure;
 - b. *Type required:*

1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
- (6) *Architectural Standards:*
- a. *Building facades:*
 3. There shall be two (2) side yards, one (1) on each side of the principal building, each having a width of not less than the width of the side yards for the block as established by the compatibility rule.
 4. There shall be a rear yard of not less than 10 feet.
 5. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
 - g. *Porches:*
 6. New decks shall be permitted to the rear of the house.
 - i. *Walls and fences:*
 1. Front yard closure walls are not permitted.
 2. Fences in the front yard of any structure shall be of wood picket type construction.
 3. Retaining walls which are located in the front yard shall have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls shall be integrated into the landscape

Variance

This corner lot has frontage on Spad Avenue and Wales Avenue. Staff would note that the front entry faces Spad Avenue. Per regulations, decks shall be located to the rear of the property. The proposed deck is located to the side of the house and therefore does not meet the regulations. The Applicant is requesting a variance to allow the deck as proposed.

According to the Applicant, the house was built to face Spad as opposed to Wales Avenue due to a 20' sewer easement indicated on the site plan. According to the Applicant, there is no room to the rear of the house to build a deck and no door to allow access to a rear deck. The Applicant also points out that the majority of the houses are not impacted by a sewer easement and that placing the deck to the rear of the property would make it more visible from Wales Avenue. Lastly, the Applicant finds that the construction of the deck would not cause a substantial detriment to the public good.

Staff finds that locating the deck to the rear of the house would eliminate a portion of the existing driveway /parking, requires a setback variance and would require the installation of additional doors on the rear of the house. Staff finds the combination of the sewer easement, the corner lot, the location of the house on the lot and the lack of a rear door is an exceptional condition. Staff finds the Applicant has proven that denial of the variance creates an unnecessary hardship. Further, Staff agrees that the construction of the deck in the proposed location does not cause a substantial detriment to the public good. Based on the information we have at this time, Staff supports the variance request.

Site and Deck

In looking at cadastral map, Staff finds the lot in question does not match the City records. The discrepancy is significant as the cadastral map indicates one large lot as opposed to multiple lots. Staff suggests the Applicant meet with the Office of Planning subdivision staff to resolve the discrepancy.

As indicated in the variance section, Staff has no general concerns regarding the location of the deck. Per regulations, the side yard setback shall be based on the compatibility rule. There is an indication on the site plan that the required side yard setback is 17'. There is no narrative that indicates where the 17' setback is based on. Staff recommends the Applicant provide documentation regarding the side yard setback.

In looking at the site plan, the height of the deck is indicated as ranging from 8" to 24" above grade and therefore would not count against the setback, . Given that the proposed deck includes, screening walls, seat walls, landscape walls and trellises, Staff finds that portions of the deck do count against the setback. In particular Staff has concerns regarding the rear portions of the deck. In measuring the rear landscape wall on the side elevation, the landscape wall is more than 30". There was no rear elevation provided, therefore Staff cannot measure the rear parts of the proposed deck. Staff recommends the Applicant provide documentation that all parts of the deck meet the setback requirements.

The Applicant is proposing a new 6' high fence. It is not clear whether the fence will be installed just behind the proposed deck or whether it will be installed along the entire property line. The Applicant did not submit a picture or elevation that indicates the design and material of the proposed fence. Staff recommends the Applicant clarify the location of the proposed fence. Staff recommends the Applicant provide an elevation or picture of the proposed fence that indicates the design and materials.

The Applicant is proposing to add a pea gravel walkway from the driveway to the deck. Staff does not have any concerns regarding the installation of the walkway. Per underlying zoning, the maximum lot coverage allowed is 55%. The site plan does not indicate the lot coverage calculations. Staff recommends the Applicant provide documentation the lot coverage requirements have been met. As there is no additional living space proposed, the floor area ratio requirement does not apply.

In looking at the proposed deck, trellis, seat walks and landscape walls, Staff has no general concerns regarding the design. Staff finds the overall design is consistent and compatible with other similar decks and trellises in the district. The material details of all of the elements are not clear. Staff recommends the plans indicate appropriate material details for all the elements of the project.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations, with the exception of the notes above, per Section 16-20J.005 and 16-20J.006.

Staff recommends approval of Application for a Type III Certificate of Appropriateness (CA3-14-041) for a variance to allow a deck where otherwise prohibited at **2007 Spad Avenue**- Property is R-4A/Whittier Mill Historic District.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations, with the exception of the notes above, per Section 16-20J.005 and 16-20J.006.

Staff recommends approval of Application for a Type III Certificate of Appropriateness (CA3-14-012) for a deck and site work at **2007 Spad Avenue**- Property is R-4A/Whittier Mill Historic District, with the following conditions:

1. The Applicant shall provide documentation regarding the side yard setback, per Section 16-20J.006(6)(a)(3);
2. The Applicant shall provide documentation that all parts of the deck meet the setback requirements, per Section 16-20J.006(6)(a)(3);
3. The Applicant shall clarify the location of the proposed fence, per Section 16-20J.006(6)(i);
4. The Applicant shall provide an elevation or picture of the proposed fence that indicates the design and materials, per Section 16-20J.006(6)(i);
5. The Applicant shall provide documentation the lot coverage requirements have been met, per Section 16-06A.008(5);
6. The plans shall indicate appropriate material details for all the elements of the project, per Section 16-20J.006(6)(a)(5); and
7. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **February 12, 2014**

Agenda Item: Review and Comment (RC-14-024) for demolition and new construction at **1332 Metropolitan Parkway**- Property is zoned MRC-3-C/Beltline.

Applicant: Atlanta Fulton Public Library System
One Margaret Mitchell Square

Facts: The building in question is located in the Capitol View Manor Neighborhood. According to the Applicant, the existing building was constructed in 1927.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (5) The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structure or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.

Demolition

The Applicant is proposing to demolish the Capital View Baptist Church building in order to construct a new library. According to the Applicant the church was constructed in 1927 and the congregation dissolved in the mid 1990's. According to the Applicant the building was occupied by a non-profit organization, however the building has not been maintained for the last ten years. In 2006, the property was rezoned to allow for a project that was to include the renovation of the historic building, additions and new construction on the site. The proposed project was never built. In 2012 the property was purchased by the Atlanta Fulton County Library System.

Capital View Manor began development in the mid 1920's. The majority of the houses were built before 1945. The neighborhood is characterized by mostly residential structures in the Craftsman, English Vernacular Revival and Colonial Revival styles. There are also American Small Houses and Ranch Houses built between the 1940's and mid to late 1950's. This 1927 church was built during the early development of the neighborhood and served the local residents. The building itself is a classic architectural design for churches built in Atlanta during the 1920's.

While the Capital View Baptist Church is not designated individually as a historic building or as part of a historic district, Staff finds the building is historic. The existing historic building is adjacent to the proposed Capital View Manor National Register District which is comprised of the residential buildings in the

neighborhood. Staff finds the building has significance for Capital View Manor as one of the few historic non-residential buildings in the neighborhood.

According to the Applicant, this lot once contained additional properties including classrooms, a gymnasium and an office. Those buildings have already been demolished, leaving the church as the only building on the site. According to the narrative, the existing building is structurally sound but uninhabitable. The Applicant also points out that the building has been deteriorating due to neglect and vandalism. In looking at pictures of the interior, it is clear that repairs, replacements and renovations are needed. The building has been vacant for some time and there is clear deterioration. Pictures of the exterior show the building is clearly sound and intact. There are clearly repairs that need to be made. As the window openings are boarded, the condition of the windows is not clear. As the Applicant has indicated the building is structurally sound, Staff finds no evidence that the building cannot be rehabilitated as opposed to demolition.

Staff finds there are several alternatives to demolition. The existing building can be rehabilitated and renovated to house the new library. As an existing historic building in the community, re-using the existing building for a library is a great solution. There is an option to make appropriate additions to the building to accommodate program needs and accessibility. There is an option that would include a partial rear demolition, retention of the main historic portion of the building and a new rear addition. Staff finds there are likely other alternatives.

Given the information we have at this time, Staff cannot support the proposed demolition. Staff would strongly advise against the demolition of a significant historic building in the Capital View Manor neighborhood. If the Applicant moves forward with the demolition, Staff suggests the building and its context are appropriately documented with archival quality photographs. Staff suggests that a history of the building and church congregation is researched and written. Staff suggests that pictures of the building and its history are prominently displayed at the new library.

New Construction

The Applicant is proposing to construct a new library. While the new building does not need to be a replica of the existing historic building, it should be consistent and compatible with the architectural style of historic non-residential buildings in the Capital View Manor neighborhood. In looking at the proposed building, Staff finds the overall design is not consistent and compatible with the architecture of the historic non-residential buildings in the neighborhood. At this time, Staff cannot support the design as currently proposed. Staff suggests the project be redesigned to reflect the architecture of the historic non-residential buildings in the neighborhood.

Staff Recommendation: Staff recommends that the Commission deliver its comments regarding Review and Comment (RC-14-024) for demolition and new construction at **1332 Metropolitan Parkway**.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
February 26, 2014
REVISED
March 12, 2014
(Revised text shown in italic.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-14-034) for a lot consolidation / aggregation; (CA3-14-002) for a variance / special exception to increase the lot coverage from 80% (allowed) to 88% (proposed), to reduce the number of on-site parking spaces from 38 (required) to 16 (proposed) and to use 22 off-site parking spaces through a shared parking agreement, reduction in the rear transitional yard from 20 feet (required) to 15 feet (proposed), reduction in the distance of a commercial dumpster from a residential subarea from 30 feet (required) to 0 feet (proposed), and the location of a building accessory feature (a dumpster) between the principal building and a public street; and (CA3-14-001) for site work, renovations and deck addition at **670 Memorial Dr. (aka 666 Memorial Dr.)** Property is zoned Cabbagetown Landmark District (Subarea 3 and Subarea 5) / Beltline.

Applicant: John Swiney
1426 Golf Link Dr., Stone Mountain

Facts: The proposed project sits on the northeast corner of Memorial Drive and Powell Street in the southern portion of the District in Subarea 5. To the west across Powell Street is commercial property located in Subarea 5. To the south across Memorial Drive is SPI-22 zoning district and the Grant Park neighborhood. To the east is also commercial property located in Subarea 5. To the north of the subject property are single family houses which are located in Subarea 3 of the District. The northern edge of the project is the Subarea 5 / 3 boundary.

The lot has two street frontages and is generally flat, though Powell Street drops away from Memorial Drive along the western side of the property. The site is currently occupied by a large one-story building which is considered non-contributing to the District. The rear and east sides of the building are essentially located on the property lines recognized by the City. The remainder of the site is paved as parking.

Last year, the Staff learned that the previous tenant has been replaced by the current office tenant and that site, exterior and interior work had occurred for the current tenant without a building permit or a certificate of appropriateness.

At this time the Applicant is applying for approval of a lot consolidation / aggregation, the office tenant use, and all exterior renovations and site work (which includes a wood walkway along the northern façade of the building, and placement of a commercial dumpster). To gain approval of these exterior renovations and site work, several variances from the District regulations have been applied for by the Applicant.

On March 6, 2014, the Applicant submitted additional materials, including a revised site plan, a floor plan, photographs of the built egress walkway, a letter regarding the Commission meeting on February 26, 2014, explanation of the Industry Studio business, and additional justification / commentary on the parking proposal and egress walkway. These additional materials have been taken into account in this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended: The following general regulations shall apply to the Cabbagetown Landmark District. Certificates of Appropriateness within this district shall be required as follows:

- (1) When required:
 - b) To erect a new structure or to make an addition to any structure within the district;
 - d) To construct off-street or off-site parking;

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (12) Aggregation of lots. No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission, and the commission shall not approve any aggregation of lots unless the commission shall

make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots. The compatibility rule shall apply.

- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.

a) General criteria:

1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
2. The general façade organization and proportions shall be subject to the compatibility rule.
3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) Facades:

1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) Roofs:

1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
4. Boxed gable returns are not permitted.
5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

d) Dormers: When permitted, dormers shall be subject to design review by the commission and shall meet the following requirements:

1. Shall be gable or shed design as appropriate to the architectural style of the building and shall maintain the siding, roof materials, and trim consistent with the main portion of the building.
2. Shall not engage the ridgeline of the main roof structure.
3. The front edge of the dormer shall not interrupt the primary fascia or soffit line.

4. Shall not occupy less than 15 percent nor more than 35 percent of the total surface area of the roof plane on which it is constructed.
- e) Porches:
 1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- f) Site development, sidewalks and curbs:
 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.
 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (15) Alterations and additions to non-contributing buildings. Alterations and additions to non-contributing buildings shall comply with one of the following:
 - a) Alterations and additions shall be consistent with the architectural style of the existing building and the height or width of any alteration or addition shall not exceed the height or width of the existing building, or:
 - b) Alterations and additions shall be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, shall comply, as applicable, with Design Standards and Criteria for New Principal Buildings, section 16-20A.006(13), and the height or width of any alteration or addition shall not exceed the height or width of the existing building.
- (19) Off-street and off-site parking.
 - a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
 - b) The number of required parking spaces is set out in each subarea.
 - c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
 - d) Off-street parking shall not be located or authorized between the principal building and the street.
 - e) Off-street parking may be located in a rear or side yard.
 - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
 - i) Off-street or off-site parking shall include landscape buffer strips placed along sidewalks and public rights of way. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.
 - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
 - k) Use of shared driveways and/or alleys is encouraged.
 - l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.011. Transitional Commercial (subarea 5).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the subarea. These regulations are intended to mitigate any nocuous effects that the commercial intrusion subarea may have on adjoining residential uses within the remainder of the Cabbagetown Landmark District. These regulations further intend to maintain compatibility between the existing and future uses of the area and the overall character of the district as a whole.

- (1) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
- a) A building or premises shall be used for the principal uses specified within section 16-16.003 of this part, with the exception of paragraph (1) allowing adult business and paragraph (17) allowing signs, general advertising.
 - b) Multifamily dwelling units. Multifamily dwellings are permissible if a minimum of 25 percent of the total heated floor area of each building is constructed and used for non-residential uses as allowed in Section 16-20A.011(1), (2) or (3).
 - d) Any of the following uses provided that they do not exceed 10,000 square feet of floor area:
 1. Clubs and lodges.
 2. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
 3. Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar use.
 4. Professional or service establishments.

Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the Cabbagetown Landmark District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.

- (5) Site limitations.
- a) Minimum building façade heights: Buildings shall have a minimum façade height of 18 feet along each façade visible from any public right of way.
 - b) Maximum building heights: Buildings that are between 0 and 50 feet of a Subarea 3 boundary shall have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary shall have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary shall have a maximum height of 52 feet. Mezzanines and lofts shall be considered a story.
 - c) New development containing an entire block face greater than 600 feet in length shall be traversed by new streets that create block faces no larger than 400 feet. Such streets shall function as public streets, shall connect two other public streets, and shall meet all other requirements of this chapter.
 - d) Transitional requirements:
 1. Transitional height planes: Where this district adjoins Subarea 3 without an intervening street, heights within this district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the nonresidential district at an angle of 45 degrees.
 2. Transitional uses: Where commercial or industrial uses in this subarea abut residential uses, 100 feet of the lot devoted to such commercial or industrial use and nearest to the residential use, shall not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.
 3. Transitional yards:
 - a. Side yards: Adjacent to residential use without an intervening street, 20 feet is required, that shall not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front set-back shall be provided.
 - b. Rear yard: There shall be a rear yard of 20 feet when adjacent to a residential use district that shall not be used for parking, paving or loading or servicing.
 - c. Screening: Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than six (6) feet in height shall be provided and maintained in sightly condition (see section 16-28.008).
- (6) Lot coverage. The lot coverage shall not exceed 80%.

- (7) Relationship of Buildings to Street.
 - a) The delineation of building floors at the second story above sidewalk level shall be executed through windows, belt course, cornice lines, or similar architectural detailing.
 - b) The primary pedestrian entrance to all uses and business establishments with sidewalk-level street frontage shall:
 1. Face and be visible from the street.
 2. Face and be visible to an arterial street when located adjacent to such arterial streets.
 3. Be directly accessible, visible, and adjacent to the sidewalk, supplemental zone, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 4. Remain unlocked during normal business hours for nonresidential uses.
 - c) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.
 - d) Building façade lines:
 1. On arterial streets: Shall be no less than 20 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking.
 2. On all other streets: Shall be no less than 15 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas.
 - e) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.
- (8) Storefront Fenestration. All street-fronting sidewalk level development, with the exception of churches and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk. Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.
 - a) Variances in fenestration requirements may be approved by the AUDC.
 - b) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.
- (9) Storefront illumination and lighting.
 - a) Security, decorative, parking deck, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination. The AUDC may also require other elements to reduce light spillage.
 - b) Any security, decorative, parking deck, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive or pedestrian area.
- (10) Loading areas, loading dock entrances and building mechanical and accessory features.
 - a) Commercial dumpsters and loading areas may not be located within thirty (30) feet of an adjoining residential subarea boundary, and shall be screened with opaque fences or walls six feet in height.
 - b) Residential dumpsters and loading areas shall be encircled with opaque fences or walls six feet in height. Walls may be smooth finish stucco or same material as the building.
 - c) Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right of way.
 - d) Building mechanical and accessory features shall be located to the side and rear of the principal building and shall be in the least visible location from the public right of way. Screening with appropriate plant and/or fence materials shall be required if the equipment is visible from the public right of way.
 - e) When located on rooftops, building mechanical and accessory features shall be incorporated in the design of the building and screened with materials similar to the building.
 - f) Building mechanical and accessory features shall not be permitted between the principal building and any public street.
- (11) Fences and Walls.
 - a) Chain link fencing or similar elements shall not be visible from any public plaza, outdoor dining area, or public right of way. Chain link, where permitted, shall be clad in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.
 - b) Fences and walls that are not located between the principal building and the sidewalk shall have a maximum height of six feet.
 - c) No fences are permitted between the principal building and the sidewalk.
 - d) No walls, except retaining walls, shall be located between a building and the sidewalk.
 - e) Walls shall be faced with stone, brick, or smooth stucco.
 - f) The AUDC may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.

(12) Sidewalks.

- a) Sidewalks along Tye, Powell, Estoria, Pearl and Gaskill streets shall be regulated as set out in Subarea 3.
- b) Public sidewalks shall be located along all public streets. For new development, no sidewalk shall be less than 15 feet in width, unless otherwise indicated in this section. Sidewalks shall consist of a minimum of two zones: a “street furniture and tree-planting zone,” which shall be located adjacent to the curb, and a “clear zone.” The following regulations shall apply to all public sidewalks adjacent to Memorial Drive within Subarea 5 of the Cabbagetown Landmark District:
 1. The street furniture and tree-planting zone shall have a minimum width of five feet. The street furniture and tree-planting zone shall be located adjacent to the curb and shall be continuous. In addition to the planting of trees as required in this section, this zone is also intended for the placement of street furniture as approved by the AUDC including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public kiosks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as approved by the city.
 2. The clear zone shall be a minimum width of ten feet, shall be hardscape and located adjacent to the street furniture and tree-planting zone, and shall be unobstructed by any permanent or nonpermanent element for a minimum width of ten feet and a minimum height of eight feet.
 3. Street tree-planting requirements. Street trees are required and shall be planted in the ground a maximum of 25 feet on center within the street furniture and tree-planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of 3.5 inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall also have a minimum planting area of 25 square feet. Where sidewalks meet the minimum requirements for this section, planting areas shall be permitted to be planted with evergreen ground cover such as mondo, liriope spicata, or ivy. All plantings, planting replacement, and planting removal shall be approved by the city arborist. Variances in street tree requirements may be granted by the AUDC subject to constraints such as overhead or underground utilities.
 4. No awning or canopy shall encroach more than a maximum of five (5) feet over the sidewalk.
 5. Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade pursuant to Sec. 16.28.008, Visibility at Intersections.
 6. Pedestrian street lights shall be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the street furniture and tree-planting zone or the supplemental zone.
 7. Sidewalks in this subarea within 20 feet of subarea 3 shall taper when necessary to provide a smooth transition to the existing sidewalk in an adjacent subarea. In the event that the abutting subarea has no existing sidewalk, the sidewalk shall taper to the width required by that subarea’s regulations, a width of six feet (measured from the street curb), or as approved by the AUDC.
 8. Every effort shall be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
 9. Trash receptacles, where installed, shall be the Victor Stanley Model S-42 or similar looking standard trash receptacle and shall be placed within the street furniture and tree-planting zone.

(13) Supplemental Zones.

- a) Any area between the street-fronting building façade line and the required clear zone is a supplemental zone. Supplemental zones:
 1. Shall be permitted between the required sidewalk and the building façade.
 2. Shall be required along arterial streets at a minimum width of five feet, unless on-street parking is provided where there currently is none.
 3. Shall not exceed a maximum width of 15 feet.
 4. Shall be hardscaped.
- b) The following elements may be located within the supplemental zone so long as any proposed element is approved by the AUDC:
 1. Accessory outdoor dining that may be separated from the sidewalk only with planters, shrubs, or fencing which shall have a maximum height of 36 inches.
 2. Balconies, pedestrian walkways, porches, ramps for accessibility, and stoops.

3. Terraces shall have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by permanent safety fencing with a maximum height of 42 inches. See subsection 16-29.001(25)b.
 4. Landscaping and water features.
 5. Lighting.
- (14) Curb cuts and parking structures.
- a) All sidewalk-paving and curbing materials shall be continued across any intervening driveway.
 - b) Driveways shall have a five-foot-wide band of textured concrete adjacent to the street and in-line with the street furniture zone.
 - c) Driveway and curb cut widths shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances.
 - d) Required driveways may be located outside the lot boundaries provided they directly connect to a public street, subject to approval by the AUDC.
 - e) No circular drives shall be located between any buildings and any public street.
 - f) Except as authorized above in this subsection parking areas or driveways are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens and special schools may be located between the sidewalk and the building if approved by the AUDC.
 - g) One-third of all surface parking areas shall be constructed of pervious materials.
 - h) No more than one curb cut is permitted for each development. Developments with more than one street frontage, may have two curb cuts. Two curb cuts on properties with street frontage greater than 300 feet may be approved by the AUDC.
 - i) Garages and carports that serve a single or two-family residential structure shall be to the rear of the principal building. Garages that serve a multi-family structure may be attached to the principal building, but entrances to garages shall not be on the front façade or the half-depth façade of the principal building.
 - j) Parking deck facades shall conceal automobiles from visibility and shall have the appearance of a horizontal storied building.
 - k) Parking decks shall provide either continuous street frontage with sidewalk-level commercial, office, or residential uses, or a minimum five-foot landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, which shall also meet the tree requirements set out in Section 16-20A.011(16). The landscape strip shall also be planted with evergreen ground cover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches. All plantings, planting replacement, and planting removal shall be approved by the city arborist. All landscaping shall be kept in a sightly manner.
 - l) Notwithstanding the provisions of section 16-28.006(10), a common or joint driveway may be approved by the AUDC when adjacent lots have direct vehicular access to a street.
 - m) All developments shall have walkways with a minimum width of four feet provided along the edge of all sidewalk level parking and drive areas and shall be linked to the public sidewalks.
 - n) No drop-off lanes are permitted along public streets.
- (15) Lighting, security, and maintenance requirements for parking structures & surface parking lots. All surface parking lots and structures shall have the following minimum requirements:
- a) Lighting shall be provided throughout all parking facilities to equal a minimum of one-fifth foot-candle of light. A foot-candle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - b) Parking lots adjacent to residential areas shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination and shall in all other ways be in compliance with Illuminated Engineering Society of North American Recommended Practice #33 – Lighting for Exterior Environments.
 - c) Parking deck lighting shall be a maximum of seven feet high and shall not be visible from any public right of way.
 - d) Parking facilities shall be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.

16. Minimum landscaping for parking lots and barrier requirements. Each of the provisions of the Code of Ordinances, chapter 158 Vegetation, article II Tree Protection, and section 30 Parking lot requirements shall apply to all lots of 10 spaces or more in this subarea. In addition to these regulations, the following requirements shall apply:
 - a) All landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.
 - b) Landscape bugger strips as described in section 16-20A.006(19) (i) shall be required.
 - c) Variances in surface parking lot landscaping and barrier requirements may be approved by the commission per the criteria set out in Section 158-30(14).
- (17) Minimum Off-street parking requirements. The following parking requirements shall apply to all permitted uses, including those approved by special permits:
 - b) Off-street parking for those uses set out in 16-16.003 shall be as provided for in section 16-16.009.
 - c) Banks and similar institutions: One space for each 200 square feet of floor area.
 - d) Childcare centers: One space for each 600 square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient facilities for loading and unloading children, as approved by the director of the bureau of traffic and transportation.
 - e) Clothing and tailor shops: One space for each 200 square feet of floor area.
 - f) Clubs and lodges: One space for each 100 square feet of floor area.
 - g) Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One (1) space for each 100 square feet of floor area.
 - h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.
 - i) Laundry and dry cleaning establishments where customers operate equipment: One space for each 200 square feet of floor area.
 - j) Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
 - k) Accessory uses: One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
 - l) For all other nonresidential uses: One space for each 300 square feet of floor area.
- (18) Off-Street Parking Variances. Reductions in parking requirements may be approved by the AUDC subject to a shared parking arrangement under the following criteria:
 1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and
 2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
 - b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 1. A to-scale map indicating location of proposed parking spaces;
 2. Indicate hours of business operation;
 3. Written consent of property owners agreeing to the shared parking arrangements; and
 4. Copies of any parking leases. Renewed leases shall be provided to the AUDC. Lapse of a required lease agreement shall terminate the permit.
- (19) Electric vehicle charging stations. A building, commercial establishment, or other property, which provides automobile parking facilities shall provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations shall be required for a parking facility.

Per Section 16-20.009:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment;
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Analysis of Relationships between District and Beltline Zoning Regulations

The Staff has completed a general zoning analysis and reached the following conclusions about the relationship between the District regulations and the Beltline Overlay Zoning District:

1. In addition to its design requirements, the District regulations also address more basic, “standard” zoning requirements, including: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The Beltline Zoning Overlay District have requirements related to design, building articulation and fenestration, facades, design of parking, streetscapes, and site arrangement.
3. In some cases, the Beltline Zoning Overlay District has requirements that are stricter than the District regulations, and thus are the governing requirement for that topic.
4. The Beltline Zoning Overlay requirements will be addressed through a separate Beltline Special Administrative Permit (SAP) review process also administered by the Office of Planning.

The Staff would recommend that the Staff be allowed to approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations.

It is the Staff's understanding that an SAP application related to the Beltline Zoning Overlay District has not been filed at this time. The Staff would retain its previous recommendation.

In addition, the Staff would note that Memorial Drive is a State of Georgia route and as such the Georgia Department of Transportation will have to be consulted prior to making any changes in or involving the Memorial Drive right-of-way. The Staff would recommend that the Staff be allowed to approve design changes to the proposed project due to any Georgia Department of Transportation design requirements that would be considered an alternative method for meeting the intent of the District regulations.

It is the Staff's understanding that no discussions have been held regarding work along the Memorial Drive right-of-way. The Staff would retain its previous recommendation.

Analysis of Lot Aggregation / Consolidation (CA3-14-034)

The proposed project occupies the southwest portion of the block bounded by Powell Street (on the west), Memorial Drive (south), Tye Street (east), and Gaskill Street (north).

Currently, there are four lots shown on the City's plat / cadastral maps that would be affected by the consolidation. One lot is 66 ft. deep and 44 ft. wide at the actual northwest corner of Powell Street and Memorial Drive. The second lot wraps around the first and fronts 77 ft. on Memorial Drive and 74.4 ft. on Powell Street. The third lot is just north of the second lot and fronts 101 ft. on Powell Street and is known at 260/266 Powell Street in the City's records. The consolidation would incorporate a strip 20 ft. wide at its southern boundary. The fourth lot affected is 267 Tye Street by inclusion of its southwest corner.

The other five blocks in the District and Subarea 5 with Memorial Drive frontage generally have much larger lots along Memorial Drive, with the smaller residential lots in the northern portion of the blocks facing the "side" streets. The proposed lot would have a frontage along Memorial Drive of about 118 ft. and would have a depth of about 160 ft., with about 160 ft. of frontage along Powell Street. This compares with other large lots along Memorial Drive that have dimensions such as 150 ft., 144 ft, 131 ft, 200 ft., and 260 ft. The proposed lot would be generally square in shape, as are three of the large lots along Memorial Drive.

In addition, while no new construction is proposed for the property, the Staff finds that the proposed lot would allow for buildings in the future that are compatible in design, proportion, scale, and general character to the subarea and the district as a whole that can be reasonably situated and constructed on the lot. The Staff would note that the existing building is non-contributing to the District and could be demolished without a Certificate of Appropriateness, facilitating such development. Further, the proposed lot would follow the historic platting pattern of Cabbagetown in that the large lot would be located along Memorial Drive, where the largest lots in the District tend to be, with the smaller, residential lots on the northern portion of the block still facing the "side" streets.

Regarding the compatibility rule assessment, the Staff finds that the compatibility rule does not fully address the circumstances of this situation. According to the compatibility rule "lot dimension" should be "no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face." The proposed project (along Memorial Drive) is about half a block face. The proposed project has few points of comparison in the District even though it is fully contemplated by the requirements of Subarea 5 of the District. Looking farther afield in the District for somewhat similar types of buildings, one finds the former Salvation Army building along Carroll Street, which has been converted to a live-work use. It too sits on a lot that is considerably larger than those around it. There are several commercial or institutional buildings in the District that are on lots larger than their immediately adjacent or even nearby neighbors.

Notwithstanding the Staff conclusion that the consolidation generally meets the District regulations, the Staff is concerned about the incorporation of the 20 ft. wide strip from 260/266 Powell Street, just north of the second lot and the incorporation of the southwest corner of 267 Tye Street. The Applicant is not provided any documentation (warranty deeds, etc.) to support their consolidation

request. Given that these two properties are currently considered entirely separate from the Applicant's and the lots as recognized by the City today are owned by others, the Staff finds that this deed information would be critical to confirming details of the lot configuration.

The Staff would recommend that the Applicant provide warranty deed records supporting and confirming the proposed lot configuration.

The Staff would add that the Applicant must still complete the standard City of Atlanta / Office of Planning lot consolidation process which applies to all properties in the City of Atlanta whether or not they are in a Historic or Landmark District.

It is the Staff's understanding that the Applicant has applied for the standard City of Atlanta / Office of Planning lot consolidation process, which is on hold pending the outcome of the Commission's lot aggregation / consolidation decision.

As part of the filing for the standard City of Atlanta / Office of Planning lot consolidation process, the Applicant provided warranty deeds. The Staff consulted with the Office of Planning subdivision staff assigned to the lot consolidation application and found that the warranty deed provided for 666 and 670 Memorial Drive accurately describes the property depicted as 666 and 670 Memorial Drive on the proposed plat and site plan. This would support this portion of the consolidation. However, the documents describing the approximately 20 ft. strip to the north of 666 and 670 Memorial Drive refers to a plat filed in the 1950s which has not yet been submitted to the Office of Planning for review and confirmation. As such, the Staff would retain its previous recommendation.

Analysis of Variances (CA3-14-002)

The Staff identified the following variances / special exceptions that would be needed to complete the project as currently proposed:

1. to increase the lot coverage from 80% (allowed) to 88% (proposed);
2. to reduce the number of on-site parking spaces from 38 (required) to 16 (proposed) and to use 22 off-site parking spaces through a shared parking agreement;
3. to reduce the rear transitional yard from 20 feet (required) to 15 feet (proposed);
4. to reduce the distance of a commercial dumpster from a residential subarea from 30 feet (required) to 0 feet (proposed); and
5. to allow the location of a building accessory feature (a dumpster) between the principal building and a public street.

The Applicant provided a brief narrative related to the reduction in the parking and the shared parking arrangement. However, this narrative did not actually address the variance criteria. No other information was provided by the Applicant regarding the four other variance / special exception requests. The Staff would recommend that the Applicant provide a response to the standard criteria for each variance / special exception request, as well as the District criteria for the parking reduction and shared parking arrangement.

The Applicant's additional materials includes information about the parking arrangements, proposed valet services for off-site parking, and the lack of parking spaces on-site. Previously the

Applicant had provided a lease for 45 parking spaces at 687 Memorial Drive, a to-scale map / site plan denoting the spaces on-site and off-site, and a statement regarding the business hours of the business on the subject property and 687 Memorial Drive. According to that statement, the business hours do not conflict. The Staff would still have concerns about the use of the valet service, the circulation pattern of the valet service, and how pedestrians would get to the subject property if they did not use the valet service or when the valet service is not operating. Further, it would seem that cars waiting in the cue of the valet service (either pick-up or drop off) would fully block other vehicle circulation on the site and specifically the availability of parking spaces along the front of the building.

No additional analysis or information was provided about the other variance requests.

The Staff would retain its previous recommendation regarding responses to the standard criteria for each variance / special exception request, as well as the District criteria for the parking reduction and shared parking arrangement.

In addition, the Staff has concerns about the parking calculations and shared parking arrangement. The floor plan provided with the application lists the spaces in the proposed office use for the purposes of life safety and exist path calculations. It is not clear if the square footages listed are inclusive of all the interior space for the office use, including interior dividing walls, hallways, etc., which is counted towards parking calculations. For example, the other space in the building (not proposed for the office use) is 45 ft. 9 1/16th in. by 19 ft. 8 in. This is about 900 sq. ft. but the space is listed as 1,000 sq. ft. on the floor plan. The Staff would recommend that the Applicant clarify the square footage calculations as necessary to provide for an accurate basis for the parking space calculations.

In the additional materials, the size of the building is listed as 11,076 sq. ft. The other office space has been revised to be 50.5 ft. by 19.66 ft., which is less than the 1,076 sq. ft. minimally needed to make the allowed use before the Commission at this time (office / studio) equal to or less than 10,000 sq. ft. Further, it is the Staff's understanding that the interior space is already finished and it isn't clear how or if the interior walls will be moved / rebuilt to reflect the proper allocation of square footage. No additional clarification has been provided as to the overall square footage calculations as it relates to hallways, etc.

The Staff would retain its previous recommendation regarding the square footage calculations.

Regarding the location of the dumpster, the Staff would add that it is concerned that the proposed location might not be physically possible, given the slope of the property at that point.

No additional information was received about the dumpster location, though on the site plan its location appears to be slightly revised. This revision is addressed below.

Analysis of Subarea Boundary Issues (CA3-14-001)

In comparing the location of the building, the property lines as currently recognized by the City, and the subarea boundary line between Subarea 5 and Subarea 3 on the City's official zoning map, it is the Staff's conclusion that a small section of the very northern end of the existing building is located

in Subarea 3. The Subarea 3 boundary line aligns with the southern, east-west side property line of the 267 Tye Street. Given that the building projects north of that extended line (according to the Applicant's site plan), the subarea boundary line would go through the building. The Staff finds that this section of the building can be occupied by an office use (notwithstanding any issues raised in this Staff Report about the square footage and parking count calculations of that use) as a continuation of the office / commercial non-conforming use of the building from its previous existence as a automobile-related business.

However, the location of the Subarea 3 boundary line creates other issues for the project as proposed. First, the proposed dumpster location (apart from its location between the building and the street, which is the subject of variance request)) is within the Subarea 3 boundary. Having a commercial dumpster for commercial property located in residential Subarea 3 does not meet the District regulations. Second, the already constructed wood walkway along the north side of the existing building is also in Subarea 3. In this case, this would be considered an expansion of a non-conforming commercial building into a residential Subarea 3.

Therefore the Staff would recommend that the dumpster and walkway be removed from their location in Subarea 3. The Staff acknowledges that this recommendation could substantially affect the project, the proposed site plan and related parking calculations.

No response was included regarding the Staff's concerns about the location of the walkway and dumpster within Subarea 3. The Staff would retain its previous recommendation.

Analysis of Design Issues (CA3-14-001)

It appears from the photographs provided by the Applicant that there are no significant, exterior renovations proposed for the existing building, except for the aforementioned wood walkway along the northern façade of the building. The previous tenant's wall signage has been removed and the building has been painted. The parking lot has been repaired and restriped but not expanded or redesigned. No new curb cuts, driveways or similar features are proposed on the site.

The sign face of the existing freestanding, "pole" sign has been replaced with the current tenant's sign logo. The Staff would note that the sign face can be replaced without requiring Commission approval. If the sign itself, its structure, its size, etc. is changed that must come before the Commission.

However, given the Staff's recommendation regarding the lot consolidation, variances, effects of the subarea boundary location on the only two exterior changes (wood walkway and dumpster), it would recommend deferral of the renovations and site work review until such time as the other issues are resolved.

No additional information was provided about the design of the outdoor walkway or dumpster installation beyond the revised site plan. The Staff is concerned that given the dumpster's proposed location immediately adjacent to a parking space it will be difficult to service unless the dumpster faces Powell Street, which would mean the northern curb cut along Powell Street would have to be expanded or shifted north. Regarding the walkway, notwithstanding the other issues noted above, it would need to be extended further to the south to match the proposed site plan.

The revised site plan also shows three curbs cuts; one along Memorial Drive and two along Powell Street. There is one existing curb cut along the northern portion of Powell Street, but it is slightly smaller and to the south of the one shown on the site plan. Unless the other two curb cuts shown on the site plan are also existing the curb cuts are too wide for one-way use and only one additional curb cut would be allowed regardless of their size.

The Staff would retain its previous recommendation given the still unresolved issues noted in this Staff Report.

STAFF RECOMMENDATIONS:

Lot Consolidation / Aggregation (CA3-14-034)

Based on the following:

1. The aggregated lot will be compatible with the historic platting pattern of the Cabbagetown neighborhood, per Section 16-20A.006(12);
2. The aggregated lot will be laid out such that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots, per Section 16-20A.006(12);
3. The compatibility rule only partially addresses the circumstances of this particular situation; and
4. The lot consolidation incorporate portions of two other adjacent properties.

Staff recommends deferral of the application for an Application for a Type III Certificate of Appropriateness (CA3-14-034) for a lot consolidation / aggregation at **670 Memorial Dr. (aka 666 Memorial Dr.)** Property is zoned Cabbagetown Landmark District (Subarea 3 and Subarea 5) / Beltline, with the following condition:

1. The Applicant shall provide warranty deed records supporting and confirming the proposed lot configuration.

Variances (CA3-14-002)

Based on the following:

1. The Applicant has not provided any documentation that there are regarding extraordinary and exceptional conditions pertaining to the particular piece of property in question, per Section 16-26.003;
2. The Applicant has not provided any documentation at the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003
3. The Applicant has not provided any documentation that there are peculiar conditions pertaining to the particular piece of property in question, per Section 16-26.003;
4. The Applicant has not provided any documentation that relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-14-002) for a variance / special exception to increase the lot coverage from 80% (allowed) to 88% (proposed), to reduce the number of on-site parking spaces from 38 (required) to 16 (proposed) and

to use 22 off-site parking spaces through a shared parking agreement, reduction in the rear transitional yard from 20 feet (required) to 15 feet (proposed), reduction in the distance of a commercial dumpster from a residential subarea from 30 feet (required) to 0 feet (proposed), and the location of a building accessory feature (a dumpster) between the principal building and a public street at **670 Memorial Dr. (aka 666 Memorial Dr.)** Property is zoned Cabbagetown Landmark District (Subarea 3 and Subarea 5) / Beltline, to allow time for the Applicant to respond to the following issues:

1. The Applicant shall provide a response to the criteria for each variance / special exception request standard criteria for each variance / special exception request, as well as the District criteria for the parking reduction and shared parking arrangement, per Section 16-26.003 and Section 16-20A.011(18); and
2. The Applicant shall clarify the square footage calculations as necessary to provide for an accurate basis for the parking space calculations; and
3. The Applicant shall provide to the Staff the requested information and documentation (including the required number of copies) at least eight (8) days prior to the Commission meeting date to which this application is deferred.

Design Review (CA3-14-001)

Staff Recommendation: Based on the following:

1. The Staff's recommendation regarding the lot consolidation request (CA3-14-034); and
2. The Staff's recommendation regarding the variance requests (CA3-14-002).

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-14-001) for site work, renovations and deck addition at **670 Memorial Dr. (aka 666 Memorial Dr.)** Property is zoned Cabbagetown Landmark District (Subarea 3 and Subarea 5) / Beltline, to allow time for the Applicant to respond to the following issues:

1. The Staff shall be allowed to approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations.
2. The Staff shall be allowed to approve design changes to the proposed project due to any Georgia Department of Transportation design requirements that would be considered an alternative method for meeting the intent of the District regulations.
3. The dumpster and walkway shall be removed from their location in Subarea 3; and
4. The Applicant shall provide to the Staff the requested information and documentation (including the required number of copies) at least eight (8) days prior to the Commission meeting date to which this application is deferred.